FROM AWARENESS TO ACTION

Exploring the development of human rights within UK companies from a sensemaking and organising perspective

By

Louise Jayne Obara

Cardiff University, Cardiff Business School,
Management, Employment and Organizations Section

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ABSTRACT

This doctoral study explored how a commitment to human rights evolved, developed and unfolded within 22 UK companies from the perspective of those responsible (some 30 participants). It did so by adopting a flexible, exploratory and inductive research design within a broader interpretive and qualitative approach. A purposeful sampling strategy was used to select companies from a previous study and semi-structured interviews were conducted with business managers from a cross-section of UK companies. The data was analysed and structured using a process based sensemaking and organising framework consisting of three interconnected stages which, together, illustrate the development of human rights within UK companies. In summary;

- The first stage, *enactment*, describes when companies first noticed human rights and what they did to understand its relevance to the corporate setting (and in doing so enacted human rights, bringing it into existence for the company).

- The second stage explores the formal *interpretation* of human rights adopted by companies and the language used to convey and describe this understanding. It also notes the human rights standards that companies recognised and deemed relevant to their business operations.

- The third stage focuses on the structures, processes and measures put in place by companies to *action*, organise and realise their understanding of human rights internally. It then focuses on lessons learned and knowledge retained for future use.

The study makes a number of important empirical, methodological and practical contributions. It makes its principal contribution to the developing body of knowledge, practice and research in the business and human rights academic field. It does so by providing much needed qualitative, in-depth and nuanced data on how the human rights concept is used, interpreted and managed within the business setting.

ACKNOWLEDGEMENTS

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Chapter 1

Introduction

1.1. Business and human rights: the story so far

The issue of business and human rights burst into global public consciousness in the 1990s (Ruggie, 2008a: 1)

This thesis examines the role, impact and contribution of business actors for the protection and promotion of human rights. It does so by focussing on how a commitment to human rights evolved, developed and unfolded within UK companies from the perspective of those responsible. This study comes at an especially timely moment for the business and human rights debate. Some twenty years have passed since the concept and language of human rights was first used in relation to the private sector, triggered by several, now famous, cases of corporate human rights abuses. Cases such as Shell and the execution of nine Ogoni activists in Nigeria (Wheeler et al., 2002), Nike and the use of use of child labour and 'sweatshop' factories in Indonesia (Zadek, 2004), and Unocal's complicity in Burmese state use of forced labour (Spar and La Mure, 2003).

For many human rights practitioners, these examples highlighted two fundamental issues. Firstly, it challenged one of the core assumptions of the human rights concept:- that state power represents the main threat to human dignity (Muchlinski, 2001). Secondly, it highlighted unprecedented changes in the global political economy and the transformation of the modern corporation in terms of size, wealth, reach and power (Korten, 1995; Donaldson, 1999; Dicken, 2003). It thus became increasingly apparent that the state based human rights regime, developed after World War II, was struggling to adapt and cope with the increasing power and mobility of companies. The intensification of globalisation during the 1990s, together with the increasing relocation of power from political to economic actors, resulted in many states unable, or simply unwilling, to regulate business within their borders (Addo, 1999; Agle et al., 2008). The *"governance gaps"* (Ruggie, 2008b: 3) this created globally provided, and continue to provide, an environment conducive for companies to commit or be implicated in significant human rights abuses (Cragg, 2012a).

Against this backdrop, the human rights concept initially provided activists with a rich and powerful discourse to make visible, challenge and scrutinise corporate harm and misconduct. Companies responded directly to these allegations, mainly via the adoption of voluntary codes of conduct which subsequently proliferated in the 2000s (Cassell, 2001; Schwartz, 2005). More recently, a small but significant number of companies have published separate human rights policies and/or released online statements to demonstrate their endorsement of human rights principles (Ruggie, 2007c). Whilst critiques have labelled these self-regulatory efforts as mere 'window dressing', it indicates that companies, albeit large multi-nationals, recognise the human rights concept to be relevant to the business arena. Despite this, many companies have continued to express their confusion regarding the meaning of human rights, what it entails and the extent of corporate responsibility for human rights (Frankental, 2002; Rice, 2002; Wright and Lehr, 2006). This confusion has been further compounded by the contested and controversial nature of the human rights concept itself, and particularly the lack of a consensus amongst human rights scholars concerning its nature, purpose, justification, scope, application and enforcement.

Running alongside this has been the academic response and analysis of corporate human rights abuses. Initial work (from the late 1990s) focussed on broadening the human rights concept beyond its traditional state-centric interpretation. Scholars thus set about developing and establishing the practical and theoretical arguments for the application of human rights duties to the private sector. Whilst this important stream of work continues today, scholars have since widened their analyses to include, most notably, the regulation and accountability of business, and the extent of corporate responsibility for human rights (Santoro, 2015). Collectively, this work has vastly improved our knowledge and understanding of the business and human rights debate, but it is overwhelmingly normative, conceptual and speculative in orientation. In recent years scholars have begun to explore these issues empirically, but research thus far has largely approached the topic from a quantitative angle and especially via the analysis of corporate documents. Although valuable for documenting what human rights principles companies recognise, it says little about how the human rights concept is used, interpreted and managed within companies. This information is crucial if, as many believe, the traditional division of labour between the private and public sectors continues to erode (Matten and Crane, 2005; Crane, 2011; Scherer and Palazzo, 2011),

and, thus, the realisation of human rights will require the sharing of responsibility amongst many different actors, public and private (Wettstein, 2012a). With the prospect, then, of the business community playing an increasingly important and formal role in the protection of human rights, it is vital that we explore human rights within business practice and particularly from the corporate perspective. Information that is urgently needed includes whether business actors recognise a corporate responsibility for human rights, how they interpret human rights, who drives the human rights agenda within business, what the motivations and barriers are for respecting human rights, and the role companies believe they should play in human rights (protection *and* promotion?). The present study thus attempts to address this lack of knowledge by providing much needed empirical data on the process by which companies conceptualise, recognise and respond to human rights concerns.

1.2. From awareness to action: introduction and overview

As just highlighted, roughly twenty years have passed since "*(t)he issue of business and human rights burst into global public consciousness*" (Ruggie, 2008a: 1) and very little is known about what actually happens within companies when they are faced with 'human rights' as a strategic issue for the first time. With this in mind, the doctoral study set out to explore how a commitment to human rights evolved, developed and unfolded within UK companies from the perspective of those in charge of the process. It represents the study's intellectual puzzle and stems from a long and considerable interest in the role that private entities play in the protection and promotion of human rights.

Motivated, then, by a need for more qualitative, in-depth, nuanced and contextually-rich data on the development of human rights within companies, the study adopted the following research objectives.

- To examine when and how companies first became aware of human rights.
- To examine how companies (and participants) understand and interpret human rights.
- To explore the language and terms used in relation to human rights.

- To document the human rights commitments made by companies and the extent of this responsibility.
- To investigate how companies implement human rights.
- To understand the challenges and barriers companies face during this process.

Given the dearth of qualitative data in this area, these objectives were designed to be intentionally broad and open-ended so that it was sensitive to the context of the study and allowed for new themes and directions to emerge inductively; aspects especially important when studying a field where relatively little is known. This process based, exploratory and inductive research focus adopted a constructivist and interpretivist research approach, viewed as particularly appropriate given its ability to capture detailed, rich and complex data as well as focus on how the social world is constructed, interpreted, and experienced.

To complement this approach, a sensemaking and organising perspective – as developed by Karl Weick – was adopted as the study's analytical framework. This helped not only to explore and structure the data, but it aligned well with the broader research philosophy given its emphasis on context, micro-level processes and meaning construction. Moreover, its focus on the way organisations understand, simplify and place order on an unsettling or surprising issue (such as human rights) provided a more nuanced lens to explore how UK companies recognise, interpret and respond to human rights.

The study employed the use of semi-structured qualitative interviews owing to their appropriateness and 'fit for purpose' for exploring the main areas of interest. The flexibility this method provided was especially important to the study with its need to address specific questions and explore the subject matter more broadly. This exploratory element is particularly important for areas where little data exists, such as the business and human rights field, and allowed new themes and directions to emerge inductively. Semi-structures interviews were also selected for their ability to capture the views, meanings and experiences of individuals, whilst also allowing access to the broader 'social world' of the organisation such as formal interpretations and generic processes.

A purposeful sampling strategy was employed to select companies based on their ability to address and illuminate the study's main areas of interest. Responses to a questionnaire from a previous 2009 study of UK companies (which the researcher was involved in) were used to assess their appropriateness for the study. A total of 12 interviews with a range of UK companies were carried out in 2010-2011 and a further seven conducted again with companies from the previous (pilot) study in 2009. The interviews were then analysed using Miles and Huberman's (1994) three-stage data analysis framework; that of data reduction, display and conclusions. This was supplemented by Van Maanen's (1979a) first- and second-order analysis categories and data analysis techniques from grounded theory (such as constant comparison). The sensemaking and organising framework was then used to scrutinise the data further allowing a more abstract and meaningful level of interpretation to be conducted. The findings were then structured according to the analytical framework's three stage sensemaking and organising process. This proved a useful way to present, show and explain how UK companies 'came to terms' with, and placed order on, human rights through a process of enactment, interpretation and implementation.

1.3. Structure and contents of thesis

This chapter concludes by introducing and summarising the seven main chapters that represent this thesis.

Chapter 2 outlines the intellectual frames and theories that informed this study. It firstly introduces the concept of human rights and, noting it to be highly contested and controversial, describes its key characteristics. It then outlines the study's conceptualisation of human rights and justifies its use for exploring the role of business vis-à-vis human rights. As the study's theoretical lens and foundation, human rights are presented as moral rights of the highest order that protect and promote the most basic human interests essential for a life of dignity (that of autonomy, well-being and security). Finally, the chapter introduces the concept of corporate social responsibility (CSR), observing it to be one of the most long-standing concepts for the analysis of business-society relations. It then describes and justifies the CSR definition and conceptualisation adopted by this research (that of Carroll's CSR pyramid). The chapter

concludes by exploring the relationship, overlaps and differences between the study's two main theoretical 'frames', that of human rights and CSR.

Chapter 3 introduces and reviews the literature 'landscape' relevant to the study. It firstly presents and evaluates material on business responsibility for human rights, noting this literature, and the contemporary debate about business and human rights, has largely developed over the past twenty years. It reviews academic and UN work in this area and argues there is a lack of in-depth, qualitative data on the process by which companies recognise, interpret and realise human rights internally. The chapter then considers literature in the related field of CSR, specifically its process based and managerial orientated research. It argues that a noticeable proportion of this has employed a sensemaking perspective but notes this perspective has yet to be applied to the study of human rights within business practice. The final literature field presented and reviewed are theoretical models outlining the development of CSR within companies. It is suggested that this body of mainly normative work is valuable for drawing attention to the processes and structures involved in the development of CSR within organisations, but notes that this work lacks a human rights perspective as well as empirical testing. This chapter concludes by outlining how the present study builds on and contributes towards the three main literature areas reviewed.

Chapter 4 presents an in-depth reflexive 'walk' through the research design process. It describes, justifies and makes visible the process by which an initial research interest was transformed into a rigorous, scholarly and worthwhile doctoral study. It first sets the scene by detailing how the researcher's biography, history and experiences shaped and constructed the 'field' and 'problem'. Secondly, it describes the researcher's involvement with a consultancy to carry out a study for the UK Government in 2009 which served as a pilot study. Thirdly, the chapter describes and justifies the doctoral research and its underlying philosophy, approach, methods, fieldwork and data analysis procedures. Lastly, the chapter introduces, outlines and justifies the study's analytical framework, that of sensemaking and organising as developed by Karl Weick. It argues that this framework served not only to 'make sense' of the data, but it structured the findings into three key stages to show and explain how the study companies enacted, interpreted and implemented human rights.

Chapter 5 represents the first of three empirical chapters and focuses on the first stage of the sensemaking and organising (SAO) framework. It details the enactment of human rights by UK companies and describes their early endeavours to place order, structure and meaning on the flux caused by human rights. It first describes when and how companies became aware of human rights and argues this shows the point at which the process of sensemaking was set in motion for companies, prompting the key question of this stage: 'what's going on?'. The chapter then describes what companies did next to understand the meaning of human rights and draws on Weick's notion of *"occasions for sensemaking"* (1995: 83) to structure the activities managers carried out to interpret human rights. Three company vignettes are then presented to demonstrate the enactment process and how companies brought human rights (as a topic, issue or 'thing') into existence. The chapter concludes by presenting a number of (second-order analysis) observations, reflections and conclusions.

Chapter 6 presents Stage 2 of the SAO framework and resumes the 'story' from the previous chapter. It first describes the different interpretations and meanings that companies (as conveyed by respondents) assigned to human rights. The chapter then explores the language, terminology and labels used by companies to describe and interpret human rights, noting it to be highly a complex and politicised process. Finally the chapter presents the human rights commitments made by companies and explores the breadth and depth of these commitments. The chapter concludes with a number of (second-order analysis) observations and reflections. It argues that through the acts of interpreting, labelling and prioritising, companies had addressed the key question of this stage, 'what does this mean?', and as a result, a significant amount of order and clarity was imposed on their environment and the flux that human rights presented them with.

Chapter 7 represents the final data chapter and the third (and final) stage of the sensemaking and organising framework. Again, it resumes the 'story' from the previous chapter by focussing on the key question of this stage, "what next?". It describes the action taken by companies to demonstrate and organise their understanding of human rights internally. It then outlines the structures, processes and measures put in place by companies to realise their human rights commitments in practice. The diversity in how companies implemented and organised human rights is discussed along with the key role that CR played in this process. The chapter then outlines the lessons learnt by

companies and the knowledge they retained from this process. The chapter concludes all three empirical chapters *and* the three-stage SAO process by way of a case study, demonstrating particularly well one company's human rights 'journey' and their enactment (Stage 1), interpretation (Stage 2) and implementation (Stage 3) of human rights.

Chapter 8 presents the final chapter of this thesis and begins by providing a overview of the study's key findings structured by each stage of the SAO process. It then outlines the study's empirical, methodological and practical contributions. Empirically, it argues the study makes its principle contribution to knowledge and research in the business and human rights field, most notably by providing an original and detailed look into what companies actually do with human rights internally. The chapter then outlines its methodological contribution, arguing that the study has contributed to the development of the SAO framework in a number of ways. The study's practical implications are then discussed and recommendations provided for human rights activists and business practitioners. The chapter then concludes (along with the thesis) by presenting the limitations of the study alongside recommendations for further research.

Chapter 2

Introduction:
Human Rights and Corporate Social Responsibility

2.1. Introduction

In the previous chapter, the doctoral thesis was introduced and the business and human rights context and debates briefly summarised. The focus and purpose of this chapter is to contextualise this study by outlining the intellectual frames and theories that were drawn upon, and introduce the theoretical concepts later adopted to explore how a commitment to human rights evolved, developed and unfolded within UK companies. The chapter firstly introduces the human rights concept and outlines the distinctive features that inform much of the human rights literature. The conceptualisation of human rights adopted by this study is then outlined and justified. Finally, the chapter introduces the concept of corporate social responsibility (CSR) and the particular account of CSR employed for this study including its relationship to the human rights concept.

2.2. Human rights: key characteristics of a contested concept

Human rights have become a central, even defining, feature of our social and political reality (Donnelly, 2003: 61)

The concept of human rights is one of the most influential of our time (Freeman, 2011: 58-59)

…the idea of rights seemingly has acquired the status of a 'global ideology', although one which is deeply contested (McGrew, 1998: 189)

Any attempt to introduce the discipline and practice of human rights is faced with the considerable challenge of describing a concept that is highly contested and controversial. It is an idea that has spawned much scholarly work, debate and disagreement from a range of disciples including philosophy, theology, law and political science (Vincent, 2010; Freeman, 2011). To illustrate this diversity, Table 1 presents a spectrum of positions (or theories, accounts) by well-known scholars in the

field, and shows the very different ways that human rights have been conceptualised in terms of meaning, function, scope and duties. To navigate this array of opinions and accounts, Nickel's advice (1987: 15) is adopted here, that to explain a problematic concept, such as human rights, it is useful to begin by identifying its distinctive features. What follows, therefore, is an attempt to unpack the "*conceptual architecture*" (Vincent, 2010: 4) of human rights by focussing on the characteristics most frequently highlighted across the human rights literature.[1]

The first characteristic is that human rights are considered 'real'. In other words, there is general agreement that human rights have some form of tangible existence, as a concept, idea, discourse or project (Campbell, 2004; Nickel and Reidy, 2010). This may seem an obvious point, but it is an important one in that even those most critical and sceptical of human rights (such as Evans, 1996, and Mutua, 2001) have not dismissed it completely and even appreciate its potential as an ideal.[2]

The second notable feature of the human rights concept is its long-standing association with morality or philosophy (Dembour, 2010). For example, human rights are described as representing special moral rights (Shue 1980; Gewirth, 1996), high-priority moral norms (Nickel, 1987), an important class of rights (Donnelly, 1982a) and a special branch of ethics (Hoffman and McNulty, 2009). The moral nature of human rights is often described in relation to the source or history of human rights and as being rooted in, yet a modern reformation of, Western enlightenment thinkers, particularly Locke (natural rights) and Kant (duty-based ethics). Thus, scholars stress how human rights are universal (Donnelly, 2003; Gewirth, 1978), held equally by all persons (Vincent, 1986; Habermas, 2010; Cragg, 2012a) and are independent of legal and political processes or recognition (Griffin, 2008; Morsink, 2009). In this respect human rights are considered to be "*trumps*" (Dworkin, 1977: xi) or "*side constraints*" (Nussbaum, 1997: 300) that (should) take priority over collective, utilitarian based social goals.

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[1] Although not included here, Sen (2004) argues that the contested nature of human rights is *itself* a distinctive feature of the discipline, and rather than an "*embarrassment*" (p. 323), the intense debate human rights provokes is inevitable since "*the necessity to pay ethical attention to human rights, far from obliterating the need for such deliberation, actually invites it*" (ibid).

[2] There are, of course, those who reject human rights outright (albeit a minority), the most famous in modern times being Alasdair MacIntyre who argued that "*there are no such rights, and belief in them is one with belief in witches and in unicorns*" (2007: 69).

Whilst the moral and philosophical character of human rights has been a common way to introduce and explain the concept (Dembour, 2010; Vincent, 2010; Besson, 2014), modern theories or accounts of human rights are more eclectic (Shestack, 1998) and often combine in different and innovative ways moral, legal and political elements (as shown in Table 1, notably Donnelly, 2003, and Habermas, 2010).[3] Indeed, it is claimed that all three components are needed on a *theoretical* level, to fully understand the human rights concept (Steiner et al., 2008), and on a *practical* level, to fully protect and realise human rights claims in practice (see Shue, 1980; Vincent, 1986; Donnelly, 2003; and, Nussbaum, 1997, 2003). Thus, the three components typically combine in a way that stresses the *moral* source or nature of human rights, that result from *political* processes and/or represent protections against *political* power, and finally are, or should be, claims recognised, expressed and institutionalised via *legal* instruments.

Moving from what human rights *are* to what they *do*, the purpose of human rights is viewed as protecting (and promoting) something fundamental and basic to all human beings (Nickel, 1987). Exactly *what* is protected or realised by human rights is also subject to intense debate, and notable proposals include human interests (Campbell, 2004, 2007; Martin, 2013; Nickel, 1987), agency, autonomy and freedom of persons (Gewirth, 1978, 1982; Sen, 2004; Griffin, 2008; Raz, 2010), equality / to be treated with equal concern and respect (Dworkin, 1977; Donnelly 1999, 2003), human capabilities (Nussbaum, 2003, 2007), and a minimum or basic threshold of moral existence (Shue, 1980; Donaldson, 1989; Ignatieff, 2001). The notion of human dignity[4] features in most of the above proposals, either explicitly or implicitly,[5] reflecting the fact that references to human dignity are ubiquitous in the discourse and practice of human rights (Beitz, 2013). Thus, human rights (which protect agency, interests, capabilities, etc.) represent

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[3] Thus attempts to place human rights theories and perspectives into different categories or approaches is problematic as they are not able to show or reflect this diversity (but nevertheless can be useful as an analytical device). Notable attempts include Evans (2005) and Vincent (2010) who both highlight three rights 'discourses' or 'classifications' respectively (moral, legal and political); Dembour (2010) proposes four 'schools' (natural, deliberative, protest and discourse); and Stammers (1999) outlines four 'dominant discourses' (metaphysical, legal positivism, strong particularism and structuralism).

[4] Whilst human dignity lacks an accepted definition, and is rarely defined by human rights scholars (Beitz, 2013), this study understands it to be a fundamental and overarching value that recognises and holds sacred "*the intrinsic, non-negotiable non-fungible worth that inheres in the very human being*" (Waldron, 2007, cited in Misztal, 2012: 103).

[5] Dworkin also makes this point, stating that "*anyone who professes to take rights seriously (…) must accept (…) the vague but powerful idea of human dignity*". (1997: 198).

a mechanism by which the inherent dignity of each human person is recognised, valued and promoted (Habermas, 2010; Donnelly, 1982a, 2003).

The issue of *how* human rights are protected and/or realised in practice, represents another core and distinctive feature of the human rights concept; that is, they confer a correlative duty on someone (Shue, 1980, 1988). Such is the importance of direct obligations that for some (such as Raz, 1986; Nickel, 1987, 1993; and, Campbell, 2006a) the label of human rights can only be given to a claim when a considerable reason has been made, and widely accepted, for holding others with a corresponding duty for a claim. It is this feature that gives human rights, as a concept or a discourse, its (moral) force, in that they confer obligations on others from claims that have been widely validated and agreed upon (Vincent, 2010; Martin, 2005). Thus, human rights are not demands or claims to anything (desires, wishes, preferences or goals, important as they may be), but their existence "*reminds us that people have justified and urgent claims to certain types of urgent treatment, no matter what the world around them has done about that.*" (Nussbaum, 1997: 295). Given that human rights are morally justified entitlements (Donnelly, 1982b; Landman, 2013), exactly *who* protects or fulfils human rights claims represents then another distinctive feature of the human rights field. The widespread and dominant assumption held by both the discipline and practice of human rights, is that the principle duty-bearer and addressee of human rights claims are governments of nation-states.

This central assumption, of the state as subject and object of human rights, is unsurprising. The relationship between human rights and states / governments is a deeply entrenched one and reflects how human rights have emerged over centuries of conflict and opposition to the misuse of power by monarchies and absolutist states (Stammers, 1999; Freeman, 2011; Landman, 2013). In particular, the atrocities of Nazi Germany in the mid twentieth century represented a defining moment for the modern human rights concept,[6] both in terms of its development and institutionalisation within a state-based system. Thus, in the immediate aftermath the language and concept of human rights took centre stage globally and politically as a way to articulate and make sense of a mass genocide perpetrated by an advanced nation state seen as "*the very*

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[6] As Nickel aptly observes "*(t)oday's idea of human rights is a compound that was brewed in the cauldron of World War II*" (1987: 1).

epitome of human civilisation" (Vincent, 2010: 105). The result of this understanding and reflection culminated in the 1948 United Nations Universal Declaration of Human Rights (UDHR)[7] which most (if not all) human rights scholars recognise as representing the foundation and cornerstone of the modern human rights movement and contemporary human rights thinking. The fact that the founders of the UDHR avoided justifying human rights on philosophical or moral grounds is considered a practical strength, since it allowed a global political consensus to emerge (Donaldson, 1989, Landman, 2013) endorsing a list of rights that best reflects our current understanding of human dignity (Griffin, 2004; Donnelly, 2007) and one that virtually all nation states have endorsed in principle (Donaldson, 1989; Donnelly, 2007; Landman, 2013).

In 1966, the UDHR was subsequently translated into two international treaties (the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) which, taken together, represent the International Bill of Human Rights and signify "*the most commonly accepted categorization of human rights*" (Landman, 2013: 33). In the fifty years since the International Bill, an "*astonishing*" (Freeman, 2011: 60) human rights 'regime' has developed, consisting of numerous international treaties, declarations and initiatives as well as various regional and national human rights laws, charters and instruments (Morsink, 1999; 2009). This regime rests on a state-based political and legal system, and on the assumption that the modern nation state is both the best protector of, and greatest threat to, the freedom and dignity of persons (Howard and Donnelly, 1986; Sweet, 2003).

The final important characteristic of the human rights concept relates to the categorization of human rights into two main groups (mentioned briefly above), a classification institutionalised by the International Bill of Human Rights. The grouping of human rights into civil and political rights on the one hand, and economic, social and cultural rights on the other, has produced two important and interrelated consequences for the theory and practice of human rights.[8] Firstly, civil and political rights (such as

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[7] A copy of the UDHR is provided in the Appendices (see Appendix 1).
[8] Whilst a more recent group of human rights is said to have evolved, that being solidarity rights (representing collective rights to peace, sustainable development and self-determination, Landman, 2006; Freeman, 2011), scholarly work on human rights predominantly employs and focuses on the "*two grand families of human rights*" (Nickel, 2008: 986).

right to life, liberty and participation in political and public life) are considered more important and of higher priority than the aspirational and progressive nature of economic, social and cultural rights (Campbell, 1999; Landman, 2006). Secondly, civil and political rights are believed to represent negative rights or duties that stress freedom from (typically) state-sanctioned interference and violence, thus requiring minimal action or resources. In contrast, economic, social and cultural rights (such as the right to food, medical care, education and employment) are considered positive rights or duties and call for a certain degree of action and financial means to realise and promote such rights (Matten et al., 2003; Landman, 2004). Whilst both assumptions are widely criticised as misleading and practically inaccurate, many scholars and practitioners (including those critiquing it) continue to use such distinctions. Indeed, the negative and positive distinction continues to be an important notion in the research and practice of human rights in its own right, independent of its link to the different groups of rights (Stammers, 1995).

Table 1. Selected Conceptualisations of Human Rights (HR)

	Nature (what are HR)	Purpose	Scope / Reach	Responsibility	Type of account
Jack Donnelly (1982a, 1982b, 1999, 2003, 2007)	HR are moral rights of the highest order - *"rights that one has simply because one is human"* (1999: 80). They are a combination of natural, social, historical and moral elements, and represent the current social and political vision of human nature and human dignity.	HR are a political and practical *"means for realizing human dignity"* (1982a: 312). A widespread political consensus exists that views HR, via the UDHR, as the preferred choice for securing a life of dignity. This demands that states treat their citizens with equal concern and respect.	HR are universal entitlements. They represent the most fundamental threats to human dignity and protect *"only those interests essential to one's standing as a moral person, one's status as a fully human being"* (1982b: 404).	HR norms are universal but their implementation *"remains almost exclusively national"* (2003: 34). Governments are the main duty-bearers due to HR's long history as grounding powerful claims against the state. HR, thus, set *"the requirements and limits of legitimate state action"* (2003: 16).	Eclectic account with political, social constructionist, philosophical, historical and practical components.
Tony Evans (1996, 1998, 2005)	HR are best understood as three overlapping discourses: legal philosophical and political. The legal discourse dominates HR practice, *"a discourse of both freedom and domination"* (2005: 1068).	HR should *"create the conditions for individuals and peoples to lead a dignified life"* (1998: 2). But current HR practice, based on the legal construct, serves powerful interests (i.e. USA hegemony) and masks structural causes of HR violations (i.e. global markets).	The legal discourse, whilst stressing the indivisibly of rights, prioritises civil and political rights (at the expense of economic and social rights) and mainly negative rights/duties (rather than positive duties).	Typically governments but are weakened by (and increasingly serve) structures of economic globalisation, illustrated by widespread political acceptance that HR are best secured by free markets.	Critical, political and social constructionist perspective.
Alan Gewirth (1978, 1982, 1996)	HR are a special class of moral rights that represent interests or goods that, as justified claims, all persons have a mandatory duty to respect. HR are derived from empirical facts and truths about the *"realities"* (1996: 15) of the human condition (not subjective preferences, desires or aspirations).	HR protect the conditions for human agency which represents the central moral precept, the *"common denominator"* (1986: 32), of the human condition. Through reason, every agent must logically accept this moral principle (and the rights it protects) for themselves and all other persons (known as the 'Principle of Generic Consistency').	Universal as (a) agency is a universal moral precept, and (b) the Principle of Generic Consistency logically denotes that all persons are both right-holders and duty-bearers. Requires positive action on duty-bearers to secure and promote the necessary conditions of action.	Mainly states (to promote the necessary conditions for human agency) but also individuals (mutual respect for each other's interests). Governments especially *"will be justified on the basis of the very concept [of] rights"* (1996: 5).	Philosophical theory of HR.[9]

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[9] Gewirth's account is noteworthy as one of the most systematic and contemporary philosophical theories of human rights. It is also one of the most controversial (particularly Gewirth's idea of 'The Principle of Generic Consistency').The following sources provide useful summaries of Gewirth's complex account of human rights (Arnold, 2003: 71-73; Donnelly, 1983; Freeman, 1994: 505-511; Gewirth, 1986: 31-33, 1996: 6-20; Nickel and Reidy, 2010).

	Nature (what are HR)	Purpose	Scope / Reach	Responsibility	Type of account
Jürgen Habermas (2010)	HR protect core moral values derived from human dignity (namely the equal respect of all persons). HR acquire their status not from religious or metaphysical origins, but from social recognition of the dignity all citizens have as members of "*a constitutional political community*" (p.464).	HR protect the core "*egalitarian and universalistic*" (p.469) values of human dignity expressed and implemented as basic legal rights. HR, thus, represent the "*investment of the law with a moral charge*" p.479).	Mainly classic civil rights (of freedom from Government infringement) but social and cultural rights are also needed (to realise liberal rights).	Government. Only through social recognition within an organised political community, and institutionalised through HR law, "*can protect, by granting equal rights, the equal human dignity of everybody*". (p.464)	Mainly a legal account with moral, political and social constructionist elements.
Michael Ignatieff (2001)	HR are political instruments. They are (best) derived from human prudence and human history (of cruelty) via political deliberation and agreement about what "*rights actually do for people*" (p.321). Must avoid philosophical grounds as controversial and fragments commitment.	HR identifies and protects individuals from abuse, pain and humiliation. It is a language of empowerment that advances the interests of the powerless, not the powerful, and creates the basis for political deliberation (for, *inter alia*, reconciling competing rights).	HR do not guarantee a "*good life*" (p.321) but minimum conditions for any kind of life. Thus, this "*thin*" (p.322) account can reconcile HR universalism with cultural and moral pluralism.	HR are best guaranteed by "*national constitutional regimes*" (p.310) and may require the strengthening of state power to fully protect the "*essential exercise of human agency*" (p.322).	Political, historical and practical view
Henry Shue (1980, 1988)	Moral rights that consist of "*a rationally justified demand for social guarantees against standard threats*". (p.17). Social guarantees are crucial as they specify and impose correlative duties on others to fulfil a justified demand / right.	HR provide "*minimum protection against utter helplessness*" (p.18). They ensure the dignity and self-respect of all persons by specifying "*the line beneath which no one is to be allowed to sink*" (p.18).	HR are "*moral minimums*" (p.ix). Three basic rights - subsistence, security and liberty - establish "*the lower limits of tolerable human conduct*" (p.ix) and are intrinsic to all other rights. Whilst the goal of basic rights is negative (minimal protection) it involves positive action.	Dependent on type of duty. Every right generates three correlative duties (avoid depriving, protect from deprivation, and aid the deprived). All persons and institutions have a universal duty not to infringe HR but governments are typically responsible for all three duties.	Moral account of basic rights (and, in particular, an appeal for political recognition of subsistence as a basic HR).
Neil Stammers (1993, 1995, 1999)	A socially constructed concept comprising of ideas and practices "*created by people in particular historical, social, and economic circumstances*" (1995: 488).	Discourse of rights is constructed and used (particularly by social movements) to make visible structures and relations of power. The HR concept both challenges *and* sustains power "*but in different degrees, in different ways, in different places, and at different times*" (1999: 996).	A wider array of duty-bearers are identified than neo-liberal constructions of power (which stress political power only) as all forms of power (political, economic, etc) are recognised in this modified power perspective.	The prevailing discourse of state responsibility for HR is problematic as states unable or unwilling to challenge power (notably economic). Social movements are potentially more effective at identifying and challenging (economic) forms of power.	Power and social constructionist perspective.

2.3. Conceptualising human rights: introducing the study's theoretical lens

The previous section briefly summarised the key features that make up the human rights concept and highlighted the different interpretations and conceptualisation of human rights. This section outlines the understanding and conceptualisation of human rights adopted by this thesis. Making this explicit is especially important in the human rights field since "*(t)hinking about, writing on, or acting on human rights involves taking sides even if at some rarefied level. It announces a position.*" (Vincent, 1986: 16). Indeed, as Shestack (1998, 2000) and Freeman (2011) point out, the meaning one attaches to human rights will influence its substantive content and the position taken on issues such as the justification, importance, scope and protection of human rights.

The position taken by this thesis, in keeping with modern human rights theories, is an eclectic one, encompassing moral, political and social elements. First and foremost, human rights are understood to be at their simplest level, using the well-known quote by Jack Donnelly, "*literally, the rights that one has simply because one is a human being*" (2003: 10). Human rights represent the most fundamental moral rights and ethical claims which aim to protect and promote the inherent dignity and worth of each human being. They are universal and exist independently of legal, political or social / cultural membership and recognition.

Whilst the moral nature and vision of human rights is stressed, it does not follow or imply that human rights are derived from some objective fact or feature of the human condition. Rather, human rights, in the form of the UDHR, represent the current social and political understanding of the basic conditions or interests that should be protected for a life of dignity (Martin, 2013). Human rights, thus, are not fixed or timeless categories but evolve continually as society's understanding and protection of human dignity advances (Donnelly, 1999; Sen, 2004). While some may question this position and the merging of (what are considered incompatible) social constructionist and moral or objective elements, it is useful at this junction to highlight Nickel's three levels of "*rights vocabulary*" (1987: 44).[10] The first level, Nickel suggests, represents human

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[10] This classification can also help to make sense of the controversies and disagreements within the discipline itself, in that what may appear disputes and opposing perspectives, are, in fact, views that relate to different levels of human rights discourse and practice (such as abstract or application levels). Seen in

rights in their abstract form, in which generic moral norms and principals are discussed, analysed or appealed to (such as equality, universalism and fairness). The second level represents the constitutional stage where generic human rights principles are applied to modern (international) conditions, reflecting current threats to human dignity (thus take the form of middle-level norms, simultaneously broad and specific). The third level represents the judicial stage, where agencies (typically governments) develop application level policies, processes and guidelines (effectively defining what must be done and by whom).[11]

Applying Nickel's classification to the human rights account proposed here, in stressing the foremost moral character of human rights thus relates to Nickel's abstract level (where human rights function as generic moral norms). It represents, what Habermas (2010) insightfully labels a 'placeholder' in which human rights practitioners and scholars, including this study, highlight the moral, inalienable or inherent quality of human rights to "*remind us of the mode of a generally acceptable justification whose epistemic dimension is beyond state control*" (Habermas, 2010: 469). Whilst the justification and content of human rights is appealed to on an abstract moral level, the *form* this takes, in terms of realising human rights in practice, varies according to different accounts. The form that this study stresses is that of the UDHR, representing Nickel's second level of human rights discourse (as the application of abstract moral norms to modern conditions and threats to human dignity). As was suggested earlier, the human rights discipline predominantly views the form of human rights as political, namely that human rights entitlements are institutionalised and enforced through state-level agencies and legislation. The level of specificity varies amongst these scholars (in terms of how governments realise human rights in practice) and often they fall somewhere between the second and third levels proposed by Nickel.

Whilst the political form of human rights is viewed, by this study, as an important mechanism for the protection of human rights, it is not the only means available for

this way, the different accounts of human rights may have more in common and complement one another (by providing a more holistic view of the human rights field).

[11] Other writers also make similar distinctions (such as Donnelly, 2003; Griffin, 2008; and, Habermas, 2010). Dworkin (1977) for example, distinguishes between 'background' and 'institutional' or 'legal' rights (which would equate to Nickel's first and third levels respectively). Such classifications, however, typically focus on two levels or classes of rights, whereas the advantage of Nickel is his inclusion of an important intermediate level where human rights gets 'translated' to reflect modern conditions (the 'space' between abstract moral norms and the specific application of these in practice).

realising human rights. This point is often overlooked or under analysed in the human rights field,[12] and such is the dominance of the state-centric view of human rights protection that human rights have come to be viewed as a wholly political and, by association, legal construct (Campbell, 2004; Evans, 2005; Cragg, 2012a). Whilst this association is understandable given the historical focus of human rights on state abuse, if we accept, as Stammers (1995) and Freeman (2011) argue, that power is the central focus of the human rights concept, then focussing purely on state power represents an inadequate and narrow view. Thus, in keeping with many human rights and business scholars, this study adopts a more holistic notion of power and influence, one that recognises the negative and positive impact that many forms and centres of power, particularly economic, has on the protection of human rights.

The final, and crucial, element in this study's conceptualisation of human rights relates to the feature(s) or component(s) that they protect. As highlighted above, a number of features have been put forward in the literature, such as agency, interests, equality, and capabilities. Rather than adopt a specific feature, this study highlights three as frequently cited in well-known and respected accounts of human rights (notably Gewirth, 1978; Shue, 1980; Nickel, 1987; Donnelly, 1999; Ignatieff, 2001; Griffin, 2008; and, Raz, 2010), and represent the most fundamental interests essential for "*making a life fully human*" (Nussbaum, 1997: 286). They are considered universal, held equally by all persons, and are highly interdependent (so much so that the denial of one severely impacts the realisation of the others). The first feature (that human rights protects), and arguably the most cited, is the agency, autonomy and freedom of all persons. Reflecting the deeply entrenched relationship between human rights and nation-states (as initially claims to freedom *from* state interference), the agency of individuals, both physical and intellectual, is considered essential to a worthwhile and dignified life. Put another way, human beings, as purposive agents, achieve dignity and meaning through the freedom to pursue goals and preferences of their design.[13] The second aspect most frequently cited in the literature (that human rights protects) is that of life or welfare. This relates to what Donnelly and Howard-Hassmann (1988) call

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[12] Although not (as one might expect) by the small group of human rights scholars that focus on business conduct.

[13] Hence why slavery and forced labour are universally condemned and considered (as well as solidified in international law) as one of the worst forms of human exploitation (Bales, 1999; Welch, 2009; Crane, 2013) and hold *jus cogen* status: a non-derogable human right that must not be violated under any circumstances (Ratner 2001; Kinley and Tadaki, 2004).

'survival rights', which protect and promote the basic conditions of human existence (such as food, shelter, medical care, employment and life itself) that in turn enables people to plan and act out their conception of a worthwhile life. Henry Shue is a well-known advocate of such rights, arguing in his seminal 1980 book that "*(n)o one can fully, if at all, enjoy any right that is supposedly protected by society, if he or she lacks the essentials for a reasonably healthy and active life*" (p. 24). The final core element, that human rights protects, is physical security and integrity. To be free from violence, or the threat of violence, is considered a fundamental right in itself but is also vital for autonomy and life (as violence significantly impairs both). This study also includes within the category of physical security, protection from torture and cruel and degrading treatment (although this has been set apart and analysed separately by some scholars given its status as a non-derogable human right). Diagram 1 provides a simple overview of this study's conceptualisation of human rights and the relationship between the different components, positioning human dignity as the overarching value, achieved through the fundamental interests of autonomy, life and security essential for a "*minimally decent life*" (Nickel, 1987: 51), and protected by current human rights contained within the near-universally agreed UDHR.

Diagram 1. PhD Conceptualisation of Human Rights
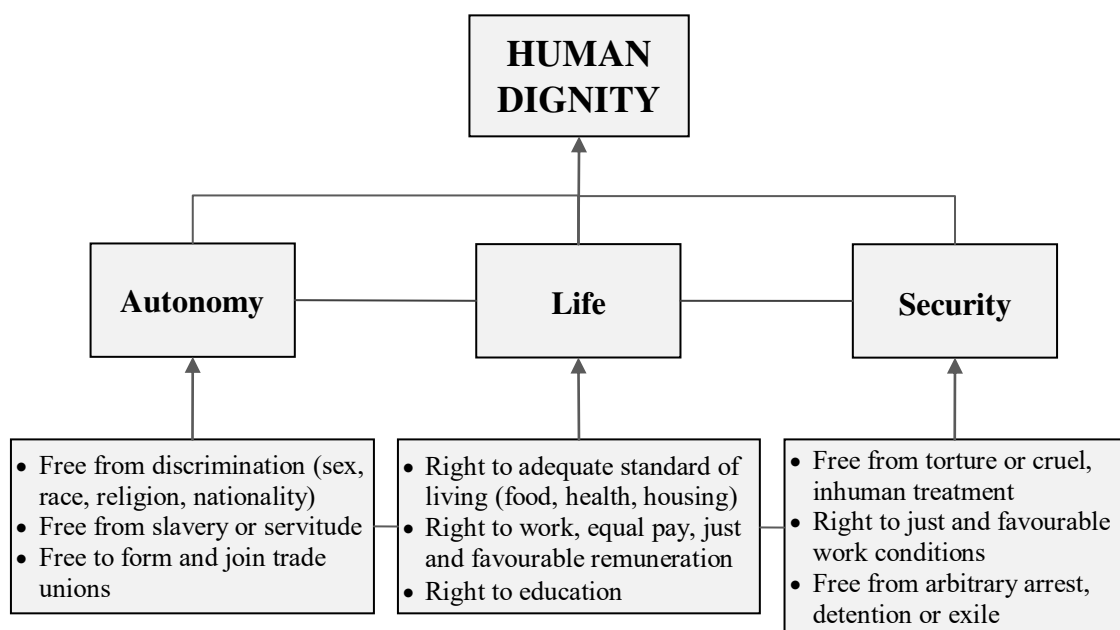
Having briefly outlined the three central elements or threats to human dignity that human rights protects (as informed by the human rights literature), what becomes apparent is this is a basic or minimal account of human rights. Conceptualising human rights in this way has several advantages. Firstly, it addresses the concerns by notable human rights scholars (such as Shue, 1980; Nickel, 1987; Ignatieff, 2001; and, Griffin, 2008) that human rights are in danger of losing their moral force and political salience due to the increase in claims labelled as human rights. As Griffin rightfully argues, "*we should reserve talk about 'rights' to something closer to its original, more restricted sense*" (2004: 35). Thus, autonomy, life and security, advocated here, represent the most basic and fundamental interests necessary for "*any kind of life*" (Ignatieff, 2001: 322), not a good, great or successful life. Said differently, they prescribe and protect the moral floor, not the ceiling, of "*one's status as a fully human being*" (Donnelly, 1982b: 404).

The second reason for adopting a basic account of human rights is that it is conceptually useful for this study's aim of understanding how human rights are interpreted and implemented by companies, and exploring the role that companies play in the protection and promotion of human rights. As the following chapter will show, the human rights and business field has generally advocated a passive role for companies in the protection of human rights (Lane 2004; Wettstein, 2012a), a responsibility restricted to non-infringement and direct impacts on human rights (considered a negative duty to 'do no harm'). This is also supported by the small body of empirical research in this field, indicating that companies who have made an explicit commitment to human rights (predominantly large, Western companies) have adopted a mainly passive ('do no harm') approach as well as recognising a narrow range of human rights as applicable to their activities (restricted largely to labour rights, see Arkani and Theobald, 2005; Wright and Lehr, 2006; and, Preuss and Brown, 2012). Given this minimal role assigned to, and adopted by, companies in the protection of human rights, a basic account of human rights will help to explore what type of approach and role (minimal or expansive) companies have adopted in respect of human rights.[14] This (minimal) conceptualisation of human rights is also beneficial for the stance this study takes

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[14] Further details are provided in the methodology chapter (section 4.5.5) regarding how this conceptualisation (of a basic account of human rights) was used to analyse the role of companies in the protection of human rights.

towards CSR (particularly in relation to the 'ethical' branch of responsibility) and is discussed in more depth in the following section.

2.4. Conceptualising corporate social responsibility (CSR)

Despite this study's focus on human rights (within business practice), it is necessary to discuss the CSR concept for several reasons. Firstly, it is one of the most long-standing concepts for the analysis of business-society relations (Matten et al., 2003: 109-110; Crane et al., 2008: 55). Secondly, despite the "*great proliferation of theories, approaches and terminologies*" (Garriga and Melé, 2004: 51) the term retains its widespread popularity in business, academic and public spheres (Carroll and Shabana, 2010: 86). Thirdly, it is the concept and language used and promoted by the EU and the UK Government (Fairbrass and Beddewela, 2006; Freeman and Hasnaoui, 2011).[15] This combination of factors has resulted in a concept that should, at the very least, be acknowledged for its enduring influence in both academic thought and business practice.

The task of defining CSR is a notoriously difficult one,[16] made even more challenging by the multitude of definitions, frameworks and conceptualisations put forward since the early 1960s (Carroll, 1999; Garriga and Melé, 2004). But, as with the human rights concept, there are a number of key characteristics that frequently occur in the CSR field such as action taken by companies voluntarily (beyond legal compliance), a strategic tool for the management of stakeholder demands and relationships, and a focus on, or integration of, social, environmental and economic elements within business functions (Dahlsrud, 2008; Crane et al., 2008; Pedersen, 2010; Gond and Moon, 2011).

The definition of CSR this study adopts is provided by Carroll who suggests that "*(t)he social responsibility of business encompasses the economic, legal, ethical, and*

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[15] Indeed, the UK (Government) is seen as a leader in CSR (Aguilera et al., 2007; Moon, 2007; Steurer, 2010), having had a CSR Minister for nearly 10 years (established by Tony Blair) and numerous CSR reports (predominantly by the Department for Business, Innovation and Skills). The UK Government's role in CSR is seen as supportive, encouraging and 'regulation light', and CSR is promoted as a voluntary approach, beyond that of legal compliance, and one that enhances the performance and profitability of companies (see BERR, 2008).

[16] So much so that Marrewijk (2003) argues that the search for an all-encompassing CSR definition should be abandoned (because it would be vague and meaningless), and instead companies should develop a more context and business specific understanding of CSR.

discretionary expectations that society has of organizations at a given point in time"
(Carroll, 1979: 500). Carroll's definition is based on his broader conceptualisation of
CSR which framed these 'expectations' as "*four kinds of social responsibilities*"
(Carroll, 1991: 40). Whilst Carroll argued that these four 'faces' (Carroll, 1998) should
be "*fulfilled at all times*" (Carroll, 1999: 289), he considered this to be the model form
of CSR, and many have argued that in practice companies rarely fulfil all four
responsibilities simultaneously or, if they do, with equal priority. Thus, despite the
increased recognition of CSR by the business sector, research suggests that economic
interests (Carroll's economic 'face') continues to dominate business practice and shapes
the ethical, philanthropic and stakeholder activities undertaken: namely, those that align
with the corporate goals of reducing risk, enhancing reputation and maximizing
shareholder value (Matten et al., 2003; Margolis and Walsh, 2003; Smith, 2003; Garriga
and Melé, 2004; Nijhof and Jeurissen, 2010).

Carroll (1991) depicted the four CSR categories as a pyramid (see Diagram 2) with
each tier representing the historical development of social responsibility as recognised
by business and/or demanded by wider society (and not relating to their level of
importance). Carroll (with help of Schwartz) later developed this depiction of CSR as a
Venn diagram (Schwartz and Carroll, 2003) in order to better reflect the overlapping
nature of the four categories (resulting in seven different combinations). Despite this,
the pyramid version of CSR is retained for this study as it provides a more
straightforward way to illustrate and analyse how human rights have been understood
and located vis-à-vis CSR (discussed below).[17]

Notwithstanding the criticisms of Carroll's CSR conceptualisation (that it fails to
capture the linkages and overlaps between the domains or the direction of change
within each category, Silberhorn and Warren, 2007), it was adopted for this study for a
number of reasons. Firstly, it is the most well-known and widely used classification of
CSR (Matten, et al., 2003; Schwartz and Carroll, 2003; Crane et al., 2008; Galbreath,

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[17] Moreover, there are a number of weaknesses within the Venn diagram, such as eliminating the
philanthropy category and the lack of 'activities' or content within at least three of the combinations
rendering them near defunct (such as the purely legal, purely ethical and economic/legal domains).
Interestingly, Carroll himself reverted back to his older pyramid conceptualisation of CSR in a 2010
publication with Shabana (see p. 89).

2009; Carroll and Shabana, 2010).[18] Secondly, Carroll leaves the content (the specific responsibilities) of the four domains largely unspecified meaning this "*skeletal outline*" (Carroll, 1991: 48) avoids many in-built assumptions of other CSR frameworks.[19] Thirdly, and of interest to this study, it is conceptually useful for thinking about and depicting the relationship between CSR and human rights within academic research and business practice (the focus hereafter).

Diagram 2. Carroll's Pyramid of CSR

Be a good corporate citizen	**Philan-thropic**	Desired
Be ethical	**Ethical**	Expected
Obey the law	**Legal**	Required
Be profitable	**Economic**	Required
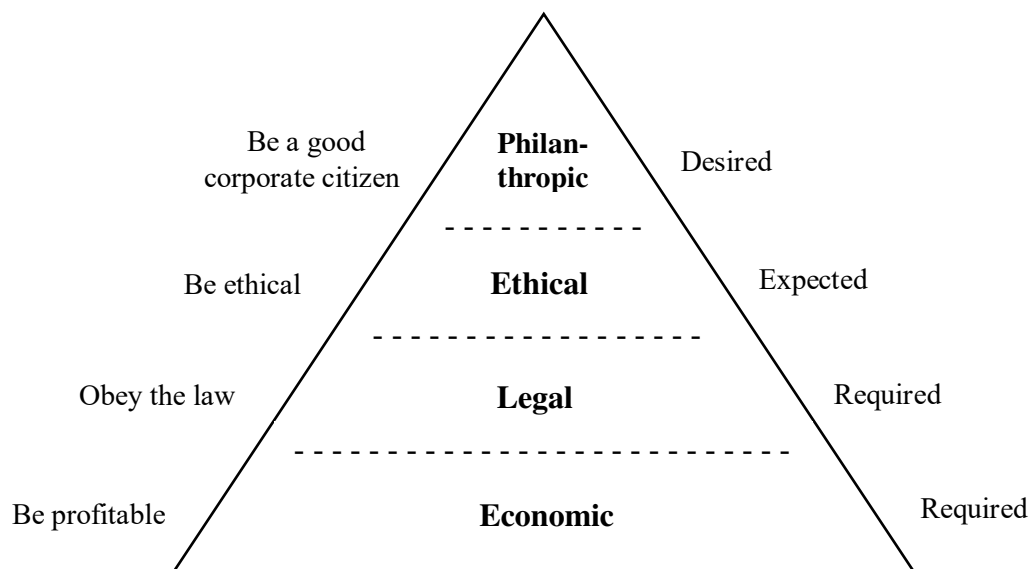
Given the substantial body of academic thought and research on CSR, it is perhaps surprising that minimal attention has been paid in the CSR field to human rights considerations (Wettstein, 2009b). Although human rights are implicit in CSR literature (such as labour, employment and consumer rights), the term and its vast literature rarely informs CSR analysis and research (Utting, 2007; Wettstein, 2012a). When human rights are mentioned, it often appears within the broader context of the debate, used as a way to stress business misconduct and wrongdoing.[20] Much more focus on the

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[18] Representing something nearing an established definition of CSR (or as close as this field is ever likely to reach).

[19] Contrast with, for example, the strategic economic focus of McWilliams and Siegel's (2001) model of CSR, or Basu and Palazzo's (2008) process based CSR framework (where CSR is viewed as shaped by organisational embedded determinants). Having said that, Carroll's CSR classification is not without certain in-built assumption, with claims that it is an inherently moral or ethical account of CSR (Windsor, 2006; Maon et al., 2010) and represents an expansive view of business social responsibilities (Lantos, 2001).

[20] Kolk and Tulder (2010) is a typical case in point, stating in their introduction that "*attention for the social and environmental impacts of international business is certainly not new, the past years have seen*

intersection of human rights and CSR has been paid by human rights and business scholars (explored in the following chapter), who argue, *inter alia*, that the CSR field should engage with human rights theory since it can provide the CSR concept with a much needed moral grounding and justification (Campbell, 2007, 2012; Wettstein, 2009b, 2012a).[21] This work firmly locates human rights as a component of the CSR concept, bringing CSR a moral focus and perspective. Relating this to Carroll's CSR conceptualisation, human rights thus belong to the ethical domain of social responsibility, which is also where Carroll himself places rights.

For Carroll (1991), the ethical 'face' of CSR relates to norms and practices that society expects of business, over and above legal requirements, and which may, over time, become codified into law. For this reason, they "*are among the most difficult for business to deal with*" (1979: 500) and are "*based on their adherence to a set of ethical or moral standards or principles*" (2003: 508). Whilst Carroll only briefly mentions moral rights as one possible ethical standard (without elaborating on how or which rights provide a moral standard for expected business conduct), it nonetheless illustrates Carroll's positioning of rights within the ethical domain. As mentioned earlier, this study also locates human rights within the ethical 'face' of CSR, but a particular advantage of the human rights account adopted here – that of basic interests for "*any kind of life*" (Ignatieff, 2001: 322) – is that it provides the ethical CSR domain with an awareness and understanding of the minimum level of ethical conduct expected of business. Whilst elements of basic interests – autonomy, life and security – are codified in international and national laws (as citizenship rights for example), given their widely accepted status as the most fundamental moral rights in "*making a life fully human*" (Nussbaum, 1997: 286) they are binding on all "*organs of society*" (UDHR, 1948). The recognition of basic interests as moral rights is vitally important. It means that companies are morally expected to respect such interests in every country they operate, regardless of government recognition or enforcement, and renders the often made

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*renewed interest due to pressing global problems such as climate change, poverty, **human rights violations** and HIV/aids*" (p. 119, emphasis added).

[21] Interesting there are calls from within the CSR field itself for more ethically informed CSR research and reflection (Frederick, 1986; Nijhof and Jeurissen, 2010). It is argued that the CSR field has neglected its early ethical orientation and become overly focussed on economic concerns (Baden and Harwood, 2013), particularly the relationship between social responsibility, social responsiveness and corporate performance, productivity and profitability (Frederick, 1994; Margolis and Walsh, 2003; Carroll and Shabana, 2010; Scherer and Palazzo, 2011; Taneja et al., 2011).

excuse by companies of 'abiding by the law' increasing untenable (certainly in relation to the 'moral floor' that autonomy, life and security set).

2.5. Conclusion

Both human rights and CSR have been described as "*chameleon*" like concepts (Gearty, 2014: 291; Gond and Moon, 2011: 4, respectively). They are deeply contested notions and have spawned substantial literatures containing diverse theories, accounts and perspectives. This chapter attempted to make sense of these debates and portray its own version and understanding of human rights and CSR, both as separate constructs and their relationship to one another. Human rights, as the foundation of this doctoral study, were defined as moral rights of the highest order that aim to protect the most basic human interests – autonomy, well-being and security – essential for a life of dignity. The notion of state responsibility for human rights, which pervades the theory and practice of human rights, was highlighted as having diverted attention away from the risk and opportunity that other sites of power might have for the protection of human rights. It is only in the past twenty years that human rights scholars and practitioners have begun to question this deeply embedded assumption and association (of the state as subject and object of human rights), and the following chapter focuses on and critically reviews these efforts, identifying a number of knowledge and research gaps that this study aims to address.

Chapter 3

Literature Review

3.1. Introduction

In the previous chapter, the intellectual frames and concepts that informed this doctoral study were outlined as well as the theoretical lens adopted. The focus and purpose of this chapter is to present, summarise and evaluate the academic body of knowledge relevant to the study's area of interest. It presents and critically reviews the literature relating to the development of human rights within companies and the processes underlying how the concept is understood, talked about, interpreted, prioritised and acted upon. The chapter is structured according to the following aims.

- To introduce, summarise and evaluate the body of knowledge, literature and research on human rights as it relates to the private sector.
- To present and evaluate the academic fields that informed the study's analytical approach of sensemaking, and of organisational sensemaking and sensemaking of corporate social responsibility (CSR) in particular.
- To outline and critically review the literature focussing on the stages of development within companies in respect of corporate responsibility.
- To conclude by presenting key insights deduced from this evaluation with a view to locating the study within this body of knowledge and the contribution it makes both empirically and methodologically.

In summary, the chapter aims not only to provide an overview and critique of the fields relevant to the study, but it also attempts to identify a number of research gaps highlighting how the study adds value to these areas; namely the need for qualitative, in-depth, nuanced and contextually-rich data on the development and sensemaking practices of companies in relation to human rights. Diagram 3 maps the structure of this chapter, illustrating the literature 'landscape' and how this study builds on and develops the fields reviewed.

Diagram 3. Chapter 3: Overview, 'Landscape' of Literature (Reviewed) and Doctoral Contribution

Literature Fields Reviewed	Main Characteristics of Literature	Empirical and Theoretical Contribution of Doctoral Study

(3.2) Human rights and business literature

Academic Literature **(3.3)**
Multi-disciplinary, normative, abstract and conceptual.

United Nations Literature **(3.4)**
Empirical, quantitative, applied and atheoretical

- Provides qualitative, in-depth, nuanced and contextually rich data on the understanding, interpretation and management of human rights within companies.
- Bridges the knowledge and research gap between the normative orientation of academic literature and the quantitative empiricism of UN research.

(3.5) Organisational and management focused literature in related fields (notably CSR)

Non-sensemaking Research
Descriptive, exploratory, qualitative and atheoretical

Sensemaking Research
Weick inspired. Qualitative. Focus on CSR, processes and managers (as change agents)

- Adapts and develops the sensemaking concept as a framework to analyse the sensemaking processes of companies in relation to human rights.
- Use of sensemaking represents a new approach to the study of human rights and business.

(3.6) Stages of corporate social responsibility development

Normative. Conceptual. Development models. Based on theories of learning and growth. Sensemaking pivotal.

- Informed by, and builds on, development models using empirical data on the process of human rights development within companies.
- No studies to date on the evolutionary stages of human rights development within companies.

3.2. Business and human rights research and literature: introduction

The business and human rights academic field is a recent addition to the "*great proliferation of theories, approaches and terminologies*" (Garriga and Melé, 2004:51) that have surfaced over the past sixty years to investigate and address the roles and responsibilities of the private sector in society. Not only did "*the issue of business and human rights burst into global public consciousness in the 1990s*" (Ruggie, 2008a:1) but during this period academic attention increasingly focussed on the applicability of the human rights concept for private entities. This should not be read as implying that human rights were not a component of related and more established academic approaches such as CSR, business ethics and stakeholder theory (Hamann et al., 2009, Wettstein, 2009b), or that companies were not criticised or implicated in human rights abuses before the late Twentieth Century.[22] Rather, the contemporary debate about business and human rights has largely developed over the last twenty years, and scholarly work produced in that time has attempted to establish business and human rights as an academic field in its own right. It is this area, which is currently in the process of developing as a body of relevant knowledge, practice and theory, that the present doctoral study is located. Given the prominence of this study's focus on business and human rights it is crucial that an evaluation of this literature is considered. This is presented and structured according to the two main literary developments in the business and human rights field - the first concerns academic work published since the late 1990s, and the second relates to work conducted by the United Nations, specifically that resulting from the appointment of Professor John Ruggie in 2005 (as a Special Representative on Business and Human Rights).

3.3. Academic literature on business and human rights

As highlighted above, the past twenty years have witnessed a steady growth in the publication of academic material focussing specifically on human rights and private entities. This literature is predominantly normative, conceptual and speculative in orientation (hence a limited amount of empirical focussed research) and multi-disciplinary in approach with contributions from numerous fields and disciplines such

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[22] For example, allegations and concerns about the involvement of companies in serious human rights abuses were voiced during the trans-Atlantic slave trade in the eighteenth century, the Second World War and, more recently, apartheid in South Africa (Muchlinski, 2001; Santoro, 2015).

as political science, sociology, philosophy, law, international relations, social policy, organisational studies, and business and management. A number of common threads can be identified within this literature and are summarised in Table 2 along with notable scholars for each theme. Given the study's central focus on business and human rights each strand or thread will be introduced and critically reviewed in turn. Although the strands are presented individually this does not imply they are separate entities; rather they should be thought of as debates and issues that overlap and relate to each other (which taken collectively form the bigger picture of the academic literature landscape). The strands are also presented roughly in the order in which they have emerged and each theme can be seen as developing and advancing the arguments raised in previous strands.

Table 2. Business and Human Rights Academic Work: Main Strands and Aims

Aim of Literature Strand	Selected Key Scholars
1. To introduce, develop and establish the 'human rights and business' academic field by, predominantly, setting out the practical and philosophical grounds for the application of human rights to the private sector.	• Donaldson (1989, 1999) • Addo (1999) • Cragg (2000, 2012a) • Muchlinski (2001) • Frankental (2002) • Arnold (2003, 2010) • Campbell (2004, 2006b) • Wettstein (2009a, 2009b)
2. To analyse the applicability of national and international (human rights) legal frameworks to regulate corporate conduct for human rights.	• Clapham (1993, 2006) • Ratner (2001) • Kinley and Tadaki (2004) • McCorquodale (2009) • Pariotti (2009)
3. To consider the extent of corporate responsibility for human rights and/or develop tools, guidance or theoretical frameworks that delineate the boundaries of responsibility.	• Donaldson (1989) • Kolstad (2009) • Nolan and Taylor (2009) • Wettstein (2010) • Macdonald (2011)
4. To differentiate and/or analyse the concept of human rights in relation to associated and more established concepts, particularly CSR.	• Campbell (2007, 2012) • Wettstein (2009b, 2012a) • Mayer (2009) • Stohl and Stohl (2010)
5. To research empirically the understanding, commitment and approach of companies in respect of human rights.	• Arkani and Theobald (2005) • Carasco and Singh (2008) • Hamann et al. (2009) • Preuss and Brown (2012)

Before each key strand is considered it is important to highlight that in addition to this literature (outlined in Table 2) a number of edited collections have been published that focus explicitly on human rights and private entities (for example Rees and Wright, 2000; Sullivan, 2003; Voiculescu and Yanacopulos, 2011). This material considers human rights from a more holistic angle with each volume containing a diverse and inter-disciplinary collection of essays from a range of scholars that address most, if not all, of the main strands of work identified in Table 2. Even though this literature mainly consists of normative and conceptual pieces, it also includes some empirical research and analysis in the form of case studies. This work is more qualitative in nature and explores in greater depth particular aspects and issues pertinent to the human rights and business field, for instance known human rights issues and challenges in certain industries (e.g. apparel, extractive), countries or regions (e.g. conflict areas, weak governance zones), business functions (e.g. supply chain, workplace conditions) or stakeholder groups (e.g. child labour, local community). Typically these case studies explore a number of factors collectively (given their interconnectedness) such as Kazmi and Macfarlane's (2003) investigation of child labour in the football stitching industry in Pakistan. Whilst not all of this work is based on primary data collection or focuses solely on the perspective of managers, it is nonetheless valuable for the way it draws attention to the micro-level processes and complexities and thus contributes an *in situ* and contextual perspective to the debates that continue to take place on business and human rights at the macro and conceptual level.

3.3.1. *Theme 1. Introducing and establishing the business and human rights field*

As the most developed strand (in terms of quantity), the academic work to emerge initially set out to introduce the concept of human rights, convey its importance and significance for the private sector and justify its application to the corporate world. In doing so this literature also aimed to establish 'human rights and business' as an academic field in its own right, rather than as a sub-category of related areas (such as CSR, corporate citizenship and stakeholder management).

In the main, this body of literature has concentrated on developing the arguments for the importance, relevance and extension of human rights duties to the business sector. Three main justifications have been developed and proposed. The first uses a historical

and contextual analysis to argue that the economic power companies now wield is such that nation states are unable to control or prevent much of the adverse social and environmental impact of corporate activity (Addo, 1999; Cragg, 2000; Cassel, 2001; Muchlinski, 2001). This shift in power, together with the claim that no individual or agent is exempt from upholding human rights, is viewed as a strong justification for the extension of human rights responsibilities to the private sector. This group of scholars, however, do not go so far as to suggest that companies have responsibility for the full range of human rights but rather maintain the status quo, namely that States are still the primary duty bearers for the protection and promotion of human rights (including the obligation to protect individuals within its jurisdiction from third party, non-state actors).

The second justification developed (for companies to respect human rights) has a practical and applied orientation. With a business sector audience predominantly in mind, this strand outlines the benefits that companies can expect when formally endorsing human rights and/or adopting a human rights approach. The advantages suggested are twofold. Firstly, that human rights provides the most comprehensive and universal set of authoritative and internationally agreed ethical principles which companies can and should use as a guide for corporate behaviour with regards to human rights (Frankental, 2002; Collier and Wanderley, 2005; Hoffman and McNulty, 2009). Secondly, that respecting human rights will enhance the profitability of companies (known as the 'enlightened self-interest' or 'business case' argument) and a range of examples are highlighted such as attracting and retaining an engaged workforce, meeting the rising ethical expectations of customers and wider stakeholders, and deterring media and NGO scrutiny (Robinson, 1998; Avery, 2000).

The third and final justification put forward for the application of human rights to the private sector advances a more theoretically informed rationale. This body of work rejects the enlightened self-interest approach and argues that only a theoretical justification based on philosophical, normative and ethical principles can provide grounds strong and robust enough to bring about an acknowledgement of the relevance and importance of human rights by companies (Donaldson, 1989, 1999; Arnold, 2003, 2010; Cragg, 2012a; Campbell, 2004, 2006b; Wettstein, 2009a, 2009b). It is argued, forcefully in Wettstein's case, that a philosophical rationale, one based on social justice,

moral rights and responsibilities, requires (if not demands) that human rights are considered mandatory obligations (in a moral and not legal sense) and not simply as a voluntary matter (Wettstein and Waddock, 2005). The moral force of this ethically informed justification is also seen as important in addressing the widespread assumption within the private sector that only governments are responsible for the protection and promotion of human rights and that any human rights obligations that companies have are indirect, as prescribed in national legislation (Wettstein, 2009b; Campbell, 2006b).

In summary, the first strand of academic literature is important for the way it introduces and contextualises the main issues, debates and arguments regarding the application of human rights to the private sector. In doing so it also attempts to establish the topic of human rights and business as an important and distinct academic field and provides a baseline of knowledge, issues and ideas for scholars to build on and develop further (as embodied in the remaining literature strands). Many criticisms, however, can be made of the viewpoints and issues within this strand. The key limitation (as acknowledged by many scholars in this group) is the lack of detailed knowledge and guidance regarding what a human rights commitment or approach specifically entails and how it could work in practice as an organising principle for companies on a day-to-day basis. Furthermore, and linked to this, another key criticism of this literature is the lack of consensus and clarity over which human rights companies are responsible for and the extent of this responsibility (a criticism which has led to an increase in scholarly attention and work, as presented in strand three: section 3.3.3).

3.3.2. Theme 2. Legal regulation of private actors for human rights

Drawing on Muchlinkski's (2001) observation, to help distinguish between this strand and the previous strand of literature, that the arguments put forward for the application of human rights duties of companies have predominantly focussed on theoretical or technical legal issues, it can be seen that the previous (first) strand of literature briefly presented and reviewed the theoretical and conceptual justifications, issues and debates. The focus of this (second) strand is to summarise the body of academic work that has addressed the technical legal side of the debate specifically in terms of the regulation of corporations regarding human rights. The key question this literature asks and addresses

is - what legal instruments, mechanisms and frameworks can or should regulate the conduct of private actors in relation to human rights, and how? This overarching aim consists of a number of specific and technical questions around which a diverse range of opinions have formed and are summarised in Table 3 along with some examples of the different perspectives by scholars working in this area.

Whilst an in-depth discussion of each legal area is beyond the scope of this chapter (given that the issues are highly technical and are for the human rights lawyers and legal scholars to continue debating), two general observations can be made. Firstly a consensus has yet to emerge regarding how the international and national legal systems can best regulate corporations to respect (and potentially promote) human rights. Secondly, a principle theme running throughout much of this literature, both implicitly and explicitly, is the endorsement of a public / private conceptualisation of human rights. This prevalent and well-known characterisation of human rights, dating back to the 19th Century and solidified by the League of Nations (Ratner, 2001; Cragg, 2000), considers human rights law to be generated and implemented by States. This belief has not only dominated the interpretation and application of international and national laws, but its influence can be seen in much of the thinking and work on human rights and business (in both academic and non-academic circles).

The private / public assumption seen in much of this literature, together with the diverse perspectives within each specific legal area, raises the question of what (practical) effect this has had on companies attempting to navigate and understand the relevance and applicability of human rights. For example, a number of authors cite the widely held private / public notion enshrined in the human rights legal framework as a major barrier (as well as excuse) that is preventing companies from formally recognising their responsibilities towards human rights (Avery, 2000; Cragg, 2000, 2012a; Frankental, 2002; Campbell, 2003, 2004). Others have since argued, however, that the focus of the debate for academics and businesses alike, has moved away from the business rationale (why respect human rights) to one that concentrates on the substance and applicability of human rights within the business context (such as which human rights companies should assume responsibility for - a topic that the following, third, strand of literature explores in more depth) (Rice, 2002, Smith, 2003; Nolan and Taylor, 2009).

Table 3. Key Questions Addressed on Corporate Human Rights Regulation

Key Questions	Selection of different positions adopted
Can corporations be held directly responsible under international (civil) law for human rights violations?	• Clapham (1993, 2006). Yes. International corporations are already subject to some obligations under international law. • Ratner (2001). Kobrin (2009). No. However the overall picture is ambiguous and inconsistent. Rights and duties of corporations have been recognised in some areas under international law, and the human rights duties of entities other than states have also been formally acknowledged, meaning that theoretically no barrier exists preventing the recognition of human rights obligations of companies under international law. • Muchlinski (2001, 2012), Kinley and Tadaki (2004) and McCorquodale (2009). No. Direct responsibility for human rights abuses has yet to be realised. • Ruggie (2007a). No. But important to recognise that corporations have become 'participants' in the international legal system (such as bilateral investment treaties) and thus have some capacity to bear rights and responsibilities. • Pariotti (2009). No. But desirable to establish formal recognition under international law of companies' direct human rights responsibilities given their increasing role as active participants in international law making. • Nolan and Taylor (2009). No. "*There are presently very few legal obligations dealing with human rights that bind corporations operating transnationally*" (p. 437).
Are new legal mechanisms needed or should existing mechanisms be strengthened, and at what level (internationally, regionally, nationally)?	• Clapham (1993, 2006). The current international human rights system can be 'reoriented' to hold companies accountable for human rights violations. Requires, in part, a reinterpretation of the notion of 'subject' in international law (rather than 'non-state actor') and the application of dignity and democracy as new organising principles to justify and assign human rights duties to corporations (in place of the traditional public / private notion). • Jägers (1999). New international mechanisms needed to hold companies directly accountable for human rights violations. • Ratner (2001). Strengthen, develop and amend existing legal frameworks (both internationally and nationally). Involves a combination of corporate self-regulation, expanding state regulation and enforcement, developing international soft law (by bodies such as the ILO and OECD) and setting up an international, multilateral treaty with an overarching institution to prescribe and apply hard law (such as the UN). • Kinley and Tadaki (2004). Adapt international instruments (by including direct corporate duties). Strengthen/develop enforcement mechanisms of international bodies (UN, WTO, ILO, World Bank) but retain States as the chief protector of human rights (via domestic enforcement). • Pariotti (2009). Strengthen existing international mechanisms such as clarifying and separating the negative and positive rights within international law (so that negative rights are best enforced through hard law instruments and positive rights are best pursued via soft law mechanisms).

What role does the state play, or should play, in regulating private actors via national regulatory regimes including extraterritorial jurisdiction.	• Muchlinski (2001), Kinley and Tadaki (2004), Ruggie (2007a) and McCorquodale (2009). States are the primary duty-bearers for the protection and promotion of human rights including the obligation to protect the human rights of individuals within its jurisdiction from third party, non-state actors. • Ratner (2001). States play an important role in addressing the actions of private actors but domestic law alone is not able to effectively regulate and constrain corporate behaviour. • McCorquodale (2009) and Seppala (2009). States reluctant to apply domestic laws extraterritorially (in another state's territory) to regulate the activities of non-state actors given the difficulty of navigating this terrain (particularly the legal principles governing nationality and jurisdiction) and the political consequences for the relations between states. • Nolan and Taylor (2009). Unclear to what extent international human rights law requires States to regulate non-state actors extraterritorially.
What 'type' of legal instrument can or should regulate companies (e.g. criminal / civil law, international human rights law, international customary law, soft law, self-regulation)?	• Muchlinski (2001). State regulation represents the most effective mechanism. However a 'joint enterprise' legal doctrine could develop in which states and companies share legal responsibility when evidence exists that a company has committed fundamental human rights abuses directly in conjunction with a host country. Also 'soft' law instruments (e.g. corporate and NGO codes of conduct) have a role to play alongside 'hard' law in developing expectations around acceptable global conduct. • Ruggie (2007a). Maintain current system of regulation through national legal frameworks. The potential for companies to be held liable for international crimes is "*by far the most consequential legal development*" (p. 830). Insufficient evidence exists that shows international customary law has generated any direct human rights obligations on companies. • Carasco and Singh (2008). Soft law instruments (in the form of international codes of conduct) can provide one way of regulating companies. Recent global codes have placed human rights obligations directly on companies which, whilst not legally binding, suggests momentum in that direction.
What is the legal personality or status of corporations and how does this impact on the regulatory instruments that can or do hold corporations accountable?	• Jägers (1999) and Clapham (2006). The international legal personality of companies implicitly exists. Corporations are subjects under international law (with rights and duties), and international law already extends to regulate some non-state actors (such as the United Nations), thus it follows that companies have legal status under international law (Clapham 2006) and a formal recognition of corporate personhood under international law is theoretically possible (Jägers, 1999). • Muchlinksi (2001, 2012). Corporate legal personality does not exist under international law. Altering the status of companies is also not required since they can be sufficiently regulated and held accountable through state regulation and enforcement. • Kinley and Tadaki (2004). Corporations already possess "*international legal status*" (p.946) holding direct rights and duties (e.g. foreign investment law). Thus corporations are theoretically capable of bearing direct international human rights obligations.

3.3.3. *Theme 3. Extent of corporate responsibility for human rights*

Nolan and Taylor (2009) effectively sum up this stream of literature when they posed the question "*What is it that we are asking corporations to assume responsibility for and how far does that responsibility extend?*" (2009: 433). Academic literature in this theme has predominantly focused on two related areas, as implied in the Nolan and Taylor quote; that of defining the most relevant and applicable human rights obligations of companies, and developing ways of demarcating the extent of companies' human rights responsibilities.

Notwithstanding the scholars that have set about identifying the exact human rights companies should respect (such as Donaldson, 1989, 1999; Kinley and Tadaki, 2004; Waddock, 2004a), much of the academic material in this stream has predominantly concentrated on the second area, and it is this literature that is focussed on here. The shift away from defining the human rights commitments of companies is largely due to the recognition that private entities can affect all human rights both positively and negatively (McCorquodale, 2009; Ruggie, 2008a, 2008b). This has therefore raised the question of whether it is practically and theoretically possible to establish a definitive list of human rights duties applicable to all companies irrespective of size, sector and country of operation. The complexity of this task was notably illustrated in 2003 when the UN proposed a set of corporate human rights obligations in the form of the 'Norms' (discussed later in section 3.4). Such was the controversy and polarised opinions generated by the Norms, including the considerable amount of negative scrutiny it received, they were subsequently abandoned.

Attention has therefore turned towards the development of approaches or specific mechanisms and frameworks that provide a way of delineating what human rights obligations companies have and to whom. Notable suggestions and frameworks that have been put forward include the sphere of influence approach (Ratner, 2001; Frankental, 2002; Rice 2002), positive and negative duties (Donaldson, 1989; Jungk, 1999, 2001; Kolstad, 2009; Wettstein, 2010), 'fair share' theory of responsibility (Santoro, 2000), and spheres of responsibility (Macdonald, 2011). These approaches vary not only in scope and content, but also on the grounds used to inform and justify how the parameters of responsibility for human rights should be demarcated. Whilst

some are largely practical and atheoretical in purpose and design (such as Jungk, 2001; and, Frankental, 2002), others employ more theoretical rigour in their analyses (such as Wettstein, 2010, and, Kolstad, 2009, who both draw heavily on political philosophy and ethical theories). Despites these differences, the majority share an outlook that assigns companies a mainly passive responsibility for human rights: that is, companies should respect human rights and refrain from directly violating human rights. When companies are seen to take on a more positive and proactive role in protecting human rights, these approaches link this to specific situations, groups, countries and/or rights. For example, Kolstad (2009) suggests that if host states and other international actors (such as foreign states) default on their human rights commitments, only then should companies adopt additional duties. Alternatively, Donaldson (1989) suggests six human rights that companies must avoid infringing as well as protect against third party threats.[23] And for Ratner (2001) and Jungk (2001), the greater a company's association to a host government and its affected populations, the greater the corporate responsibility for human rights. Note that not all approaches espouse or imply a 'do no harm' position. Wettstein (2010) represents the only scholar in this group who explicitly rejects this business approach, arguing that given the economic and political power of companies, they are increasingly expected to contribute proactively towards the realisation of human rights, a contribution, he argues, that should not be limited to direct business impacts only.[24]

In summary, the literature outlined in this stream is significant for the way it examines and draws attention to what is undoubtedly one of the most pressing issues in the field of business and human rights. It is perhaps of no surprise that most attention has focussed on developing approaches and frameworks for the process of delineating the boundary of responsibility given the difficulties both practically and theoretically in

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[23] Donaldson (1989) actually suggests ten fundamental rights that all companies must avoid depriving, but highlights six (numbers five to ten) that require the positive duty of "*help protect from deprivation*" (Donaldson, 1999: 466). The ten global and universal rights he suggests are (1) physical movement; (2) ownership of property; (3) free from torture; (4) a fair trial; (5) free from discrimination; (6) physical security; (7) free speech and association; (8) minimal education; (9) political participation; and (10) subsistence. (Donaldson, 1989: 81; 1999: 463-464).

[24] Whilst Wettstein recognises that further work is needed to ascertain the extent of this proactive contribution by business, he has suggested some specific criterion for when companies should speak out (a positive duty) against a host government that violates human rights. In this situation, he argues, a company has a moral duty to act when four conditions are satisfied; that being the company has autonomy to act, there is a significant connection to the human rights abuse, they have power to exert influence on the situation, and they have a high degree of social or political status in the country (Wettstein; 2012b).

formulating a conclusive list of corporate human rights commitments and obligations.[25] Whilst the approaches and frameworks developed so far may indicate a more effective and practical way to proceed in this area, they are nonetheless speculative, normative and, in certain cases, highly abstract and complex. As acknowledged by many of these scholars, empirical data is needed to test their relevance and applicability in the business context, particularly by those managers, employees and/or departments who are faced with the difficult task of determining where their company's responsibilities begin and end.

3.3.4. Theme 4. Human rights vis-à-vis related concepts and terms

As a relatively new strand of scholarly focus, this literature focuses on the concept and terminology of human rights and its relationship to associated and more established concepts such as CSR and corporate citizenship. This work can be generally described as conceptual, speculative and diverse with a range of, mostly contrasting, arguments and ideas.

The most notable aspect to emerge from this literature concerns the (opposing) standpoints on the place of human rights vis-à-vis the concept of CSR (and to a lesser extent corporate citizenship). On one side of the debate are those who view human rights and CSR as closely related and interconnected. Mayer (2009), for example, considers human rights to be a part of CSR, although (somewhat frustratingly) does not elaborate on what the "*human rights dimensions of CSR*" (2009: 562) actually consist of. Mayer further highlights the way in which contemporary discussions about CSR have been influenced by the international human rights regime, a position shared by Stohl and Stohl (2010) who highlight the Universal Declaration of Human Rights as being particularly influential.

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[25] Interestingly, the contrasting methodological approaches seen in this literature (of content or process based applications) is also reflected in the CSR literature. It is suggested, by CSR scholars, that academic interest (in CSR) has moved away from a content based focus (such as cataloguing the CSR commitments companies make), to one that stresses processes (for example how companies delineate and implement CSR) (Basu and Palazzo, 2008). The rationale put forward for this shift towards more process informed research, is that it provides more detailed and nuanced information on the practices and perceptions within companies, in which 'why' aspects can be better explored (such as why companies and employees think and act the way they do, be it relation to CSR, human rights, sustainability, etc.). The present study can also be seen as part of this shift towards process orientated research, specifically the process by which companies understand, implement and manage human rights.

On the other side of the debate are those scholars who believe that a consideration of human rights should be an intrinsic part of concepts such as CSR and corporate citizenship, but this has been notably absent from these fields to date (aside from some implicit coverage of human rights issues and concerns such as employee rights) (Wettstein and Waddock, 2005). To address the academic void this has caused (in both the human rights and CSR fields alike) both Wettstein (2009b, 2012a) and Campbell (2007, 2012) call for the CSR field to integrate the concept of human rights within future CSR research and thinking, and (somewhat radically) to place human rights at the core of the CSR concept. The advantage of this is threefold. Firstly human rights, unlike CSR, provides companies with a rich discourse that they can draw on to help them identify which human interests are fundamental and must be respected (irrespective of corporate goals), and the role they have in relation to the duties these interests raise vis-à-vis other entities such as national governments (Campbell, 2003, 2007). Secondly, human rights provides a recognised set of universal moral principles that can act as an ethical code to inform and guide the conduct of companies globally (something which CSR lacks given its conceptual ambiguity and vastly different interpretations by companies and academics alike) (Wettstein, 2009b). Thirdly, and of most importance for Wettstein, a human rights theoretically informed CSR perspective would help distance CSR from its long-standing voluntary and business case association (since, and as was outlined earlier, human rights for Wettstein are based on fundamental moral rights and social justice which are morally binding on all actors).

In a somewhat similar vein to Wettstein and Campbell, Stohl and Stohl (2010) also argue for the development of the CSR perspective, most notably the need for a global CSR regime. This regime, they suggest, would be based on a convergence of accepted norms, principles and expectations concerning the responsible conduct of private entities (global norms which, they argue, have started to emerge as evidenced by the development of 'third generation' CSR principles in the standards and discourse of global companies). Unlike Wettstein's account, however, it is uncertain from Stohl and Stohl's proposition how (if at all) human rights fits in to this vision of a universal CSR system, which is surprising to some extent given their view, as highlighted earlier, that the CSR field has been heavily and directly influenced by the international framework of human rights.

In summary, this relatively small body of scholarly work is distinctive (in relation to the five literature strands identified) for its contrasting ideas and perspectives rather than for any discernible common ground. Its contribution to the business and human rights field is therefore one of highlighting this issue and generating more questions than it answers. Questions such as does it matter (theoretically, practically and empirically) where and how the field of human rights is located in relation to the array of other concepts and terms used? If so, to whom does it matter (academics, practitioners, etc.) and why? As with all the academic strands reviewed so far, this work is speculative and would benefit from empirical data exploring how the human rights term is used and understood by companies, particularly in relation to other labels such as CSR, corporate citizenship and sustainability: an area that the present study explored and adds value empirically.

3.3.5. Theme 5. Empirical research on business and human rights

The final key strand of literature to be considered, representing the smallest group of the five main academic strands, relates to empirical research examining the human rights approach and practices of companies. Whilst these studies have different areas of interest, they share in common a quantitative methodological approach, with all but one (namely Arkani and Theobald, 2005) adopting some form of large-scale and deductive framework (that of Carasco and Singh, 2008; Hamann et al., 2009; and Preuss and Brown, 2012). Two of the (quantitative) studies merit further consideration here given that both applied the same methods, that of documentary and content analysis, and examined publically available company reports and materials. The study of Preuss and Brown (2012) focussed on the content and coverage of human rights commitments in corporate documents of the top 100 companies listed on the London Stock Exchange. They found that companies reported a narrow range of human rights commitments (mentioning only 6 of the 37 rights in the UDHR) and limited this responsibility to negative rights and obligations only (in other words, abstaining from harmful activities by respecting, but not promoting, human rights). The study by Hamann et al. (2009) also analysed business reports but their sample consisted of companies listed in the Johannesburg Stock Exchange. Also in contrast to Preuss and Brown, they applied more advanced statistical techniques (such as regression analysis) to test seven hypotheses concerning the influence of institutional factors on the likelihood that companies would

display due diligence on human rights.[26] They found that committed leadership, government regulation and stock exchange protocols were key predictors of due diligence in human rights, whereas company size and sector exerted little influence.

Despite the differences between the two aforementioned studies, the quantitative approach adopted by both represents an 'outsiders' look at the commitments companies make (or report they make) to human rights in company documents. In contrast, the research of Arkani and Theobald (2005) represents a rare study that examined the meaning, approach and practice of human rights from within companies. In view of its similarities to the present study in terms of approach, methods and focus, this is considered in more detail here (and in place of an extensive analysis of the quantitative research within this stream).

Akin to other research in this theme, Arkani and Theobald carried out a content analysis of human rights-related company policies but they also conducted in-depth interviews with six managers from corporate affairs departments within six large UK companies. Through this mixed method design they found that managers considered it in their companies' interest to formally commit to human rights, motivated predominantly by the commercial benefits that human rights were perceived to generate such as enhanced reputation and employee retention. They also found that embedding human rights within the culture and structures of companies represented a complex and lengthy process, one that faced significant impediments "*no matter how serious and committed corporate policy makers are to ethical human rights programmes*" (Arkani and Theobold, 2005: 204). They concluded, somewhat pessimistically, that the human rights policies and strategies adopted by these six companies had little impact on core business functions and practices (and were unlikely to). Notwithstanding the valuable data generated by this study on human rights from the perspective of business managers, a number of methodological and empirical criticisms can be made.

- Despite stating that one of the main interview questions comprised of "*what constitutes human rights both for interviewee and his/her employer?*" (Arkani and Theobald, 2005: 195), the authors provided no information on how managers

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[26] Due diligence, as conceptualised by Hamann and his colleagues, consists of four human rights areas identified as being especially relevant to companies operating in South Africa: that of employment practices, community impact, supply chain and black economic empowerment.

interpreted human rights (other than outlining the formal definition as elicited from company policies).

- It was unclear whether the interchangeable use of the terms 'human rights' and 'CSR' was an intentional strategy by the authors, perhaps reflecting the way that managers talked about the topic (such as using different terms depending on the area(s) being discussed). Furthermore, whilst the authors viewed human rights as an element of CSR (see pages 196 and 198 for example) it was unclear if participants also interpreted human rights in this way.

- The article was chiefly a descriptive account of empirical data with little consideration of the study's contribution to theory, practice and further research.

- Some of the methodological drawbacks of the study included a small sample of informants, a lack of information regarding how companies and participants were selected, and no account provided on the procedures employed for the analysis of corporate documents and interview data.

In spite of the many drawbacks of this study it nevertheless represents a notable 'moment' in the human rights and business field given that empirical data is greatly lacking (Hamann et al., 2009; Preuss and Brown, 2012). It is also a noteworthy study amidst the (limited) academic research on human rights and business given its qualitative focus and the view it offers from inside companies, providing a rare glimpse into some of the complexities and barriers faced by managers grasping the meaning and application of human rights within the business context.

It is this final academic (empirical research) strand that the present study principally locates itself and makes a significant contribution towards by providing much needed empirical data on the process by which companies make sense of, talk about, prioritise and realise human rights internally. It also makes a valuable contribution to the human rights and business field in general by the way it explores – empirically and qualitatively – the key issues and debates highlighted within each of the main academic strands of literature. Literature which was identified as being, to varying degrees, theoretical, abstract, conceptual, normative and speculative. In stark contrast to the (mainly normative and conceptual) academic body of literature reviewed thus far, recent work and literature published on business and human rights by the United

Nations, addressed in the next section, has largely been of an empirical nature and, as will be argued, is overwhelmingly quantitative, descriptive and atheoretical in focus and design.

3.4. United Nations action on corporate responsibility for human rights.

The United Nations (UN), considered the global focal point and architect of the international human rights regime (Campbell, 2006a; Landman, 2006), has addressed concerns about corporate power, wealth and the abuse of human rights in a number of ways and with mixed results. Broadly speaking, the UN's response can be divided by action conducted either side of the appointment of Professor John Ruggie in 2005 as the Special Representative on Business and Human Rights. Up until 2005, the UN's various attempts to address corporate human rights abuses was patchy, uncoordinated, normative and, in terms of action that was taken or proposed, controversial. In contrast, work undertaken under the helm of John Ruggie was more focussed, coordinated and research driven and informed. This section considers both phases in more depth, but Ruggie's work is particularly analysed since it has generated a significant amount of the UN's total activity in this area, both in terms of outputs (research, literature and guidance) and direction (strategy, approach and agenda setting).

Before the UN's response is analysed, it is important to highlight the work of the International Labour Organisation (ILO), which, in 1946, became the first specialised agency of the UN. Formed long before the current UN system and international human rights regime, the ILO has been highly active in setting and enforcing labour and workplace standards since its inception in 1919 (Ratner, 2001). Such is its importance that Leary (1996) argues the human rights movement itself was initiated by the founding of the ILO. Of the numerous conventions, recommendations, codes and guidelines produced by the ILO over nearly a century, the 1998 Declaration on the Fundamental Principles and Rights at Work is considered a milestone in labour rights and specifies (and reaffirms) four universal workplace rights (that being the right to free association, collective bargaining, non-discrimination and the abolition of forced and child labour). Whilst the ILO's significance is recognised, it is not included here (as part of the UN's response to corporate human rights abuses) for two reasons. Firstly, this section focuses on the UN's approach more broadly and not work conducted by UN

agencies in certain sectors or on particular rights, such as labour rights in the ILOs case. Secondly, it examines action by the UN to engage and relate to private entities directly in relation to all human rights, whereas the ILO predominantly relies on state action, regulation and enforcement.[27]

The initial approach adopted by the UN (post-1945) to address the abuse of human rights by corporate actors was of a more indirect nature. Through, for example, provisions included within human rights treaties (Ruggie, 2007a) member-states were given the primary responsibility for protecting the human rights of citizens from non-state actors (including business entities). A more direct approach came in the form of the United Nations Center for Transnational Corporations (UNCTC) set up in 1973. The work of the UNCTC culminated in 1977 with a draft code of conduct for corporations and, although not a human rights code as such, included statements (albeit vague) that required companies to respect human rights (therefore becoming notable for placing direct human rights obligations on companies). The draft code was highly controversial and despite continuing efforts by the Center to develop the draft (the last one being 1990) it was not endorsed by the UN and "*fizzled into nothing more than an interesting historical note*" (Carasco and Singh, 2008: 358).

It was not until the late 1990's that the UN renewed its focus on engaging the business sector directly over human rights, driven largely by several high profile cases of corporate human rights violations (such as Shell in Nigeria) as well as increasing concerns about the intensification of (largely unfettered) economic globalisation. Against this backdrop, in 1999 the then Secretary-General of the UN, Kofi Annan, launched the UN Global Compact (UNGC). This voluntary initiative invited companies to endorse and implement a set of ten principles in the areas of human rights, labour, the environment and anti-corruption (detailed in Diagram 4). Not surprisingly, given its high profile launch and sponsor, the UNGC received considerable attention, not least from the business sector, and is widely considered "*by far the world's largest corporate social responsibility initiative*" (Ruggie, 2006b: 10). In relation to human rights, the inclusion of two specific human rights principles was hugely significant, so much so that Leisinger (2006) argues it was a major contributor in propelling the issue of human

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[27] That said, the ILO does also engage industry directly (but over labour rights) and produces guidance material for companies (but the uptake of this is purely voluntary).

rights onto the international corporate responsibility agenda. Despite this, the UNGC has been widely criticised largely due its general lack of clarity (particularly the human rights principles), its voluntariness and the absence of enforcement mechanisms (Jerbi, 2009; Arnold, 2010; Ruggie, 2013).[28]

Diagram 4. UN Global Compact Ten Principles

Human Rights	1.	Businesses should support and respect the protection of internationally proclaimed human rights
	2.	make sure that they are not complicit in human rights abuses
Labour	3.	uphold the freedom of association and the effective recognition of the right to collective bargaining
	4.	eliminate all forms of forced and compulsory labour
	5.	abolish child labour
	6.	eliminate discrimination in respect of employment and occupation
Environment	7.	support a precautionary approach to environmental challenges
	8.	undertake initiatives to promote greater environmental responsibility
	9.	encourage the development and diffusion of environmentally friendly technologies
Anti-Corruption	10.	work against corruption in all its forms, including extortion and bribery.

Parallel to the UNGC's launch, a Working Group was established by UN Sub-Commission on the Promotion and Protection of Human Rights to examine "*the working methods and activities of transnational corporations*" (Weissbrodt and Kruger, 2003: 904). The most significant output of the Working Group came in 2003 in the form of a draft code of conduct for corporations (herein the 'Norms')[29] which was subsequently endorsed by the UN Sub-Commission (although it had yet to be approved by its parent body, the UN Human Rights Commission). Informed by international human rights instruments, the Norms outlined in detail the responsibilities of companies in respect of human rights, and represented the first concerted effort by the UN to specify the human rights obligations of the business sector. For this reason they were highly significant, but given such an ambitious project the Norms were, and continue to be, hugely controversial and divisive. Soon after, a "*bitter, and often public, dispute*"

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[28] Kinley and Tadaki (2004) aptly sum up the general 'mood' towards the UNGC when they concluded that "*(a)t the end of the day, the Global Compact is nothing more than an instrument of rhetoric*" (p. 951)
[29] Titled the 'Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights'

(Webb, 2004: 10) emerged between its supporters (such as civil society groups) and those vehemently opposed (such as the business sector and numerous Governments). Of the many criticisms levelled at the Norms, the main areas of contention were that they failed to clearly delineate between the human rights duties of companies vis-à-vis states, they placed unrealistic and excessive responsibilities on the business sector, and they were, or aimed to be, mandatory and legally binding (Jerbi, 2009; Seppala, 2009; Arnold, 2010; Ruggie, 2013). Whilst the Norms were not ultimately endorsed by the UN Commission on Human Rights, they did recognise that this area required further analysis and research and a new Special Representative post specifically on Business and Human Rights was created (Ruggie, 2007a). As with the Norms, this represented a significant development within the UN as well as a milestone for the business and human rights field in general (since it was driven by the body seen as the focal point for international human rights action and thinking).

Thus, in the immediate aftermath of the Norms, as the debates and disagreements it generated continued, the UN Commission appointed John Ruggie, a Harvard Professor of International Affairs, as the Special Representative. The purpose of this post was twofold. Unofficially, it attempted to move the debate forward and away from the stalemate created by the Norms, and, officially, it aimed to develop an international repository of impartial information and shared knowledge in the business and human rights domain. The appointment of John Ruggie resulted in a proliferation of activity and outputs from the UN on human rights and business as well as increasing the general interest in, and awareness of, the topic most notably from Governmental and business sectors. The programme of work carried out by Ruggie during his six year tenure closely followed the mandate set by the UN (outlined in Diagram 5) and a wide range of research was commissioned and material published including empirical studies, briefing and discussion papers, conference presentations and multi-stakeholder consultation reports.

**Diagram 5. Mandate of John Ruggie, UN Special Representative
on Business and Human Rights**

1. To identify and clarify standards of corporate responsibility and accountability with regard to human rights.
2. To elaborate on the role of States in effectively regulating and adjudicating the role of business enterprises with regard to human rights.
3. To research and clarify the implications of concepts such as 'complicity' and 'sphere of influence' (as contained within the UN Global Compact principles).
4. To develop materials and methodologies for undertaking human rights impact assessments of the activities of business.
5. To compile a compendium of best practices of States and business entities.

(United Nations Commission on Human Rights, 2005)

The culmination of this extensive work programme, which is also considered to be Ruggie's most significant output of his tenure, has been the development of a tripartite framework (Ruggie, 2008b). This framework aims to integrate existing standards and practices of both states and businesses "*within a single, logically coherent and comprehensive template*" (Ruggie, 2011a: 5). Consisting of three dimensions or 'pillars' – the state's duty to protect against human rights abuses, the corporate responsibility to respect human rights, and access to effective remedies – it sets out at an abstract level the role of states and companies in the protection of human rights. By separating the human rights responsibilities of governments vis-à-vis business, and reaffirming the centrality of states in promoting and endorsing the human rights regime (Seppala, 2009), Ruggie directly addressed the impasse left by the Norms (that being they blurred state and business human rights duties). Whilst he resisted proposing a specific compendium of corporate human rights responsibilities, arguing that the private sector can affect all human rights (Ruggie, 2008a, 2008b), the general role he assigned to business was one of 'do no harm'; in other words, a basic responsibility (a negative duty) to not directly violate or infringe the human rights of others (Ruggie, 2013: 95).[30] Three years after Ruggie launched the tripartite framework (which specified "*what should be done*", Ruggie, 2013: 81), he published the final report of his tenure, the Guiding Principles (Ruggie, 2011a), which outlined "*how to do it*" (Ruggie, 2013: 81). The Guiding Principles thus aimed to operationalise the tripartite framework by providing states and businesses with "*concrete and practical recommendations for its*

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[30] In contrast, the tripartite framework assigns to states the duty of *protecting* against human rights abuses from third parties (such as business entities). The notion of 'protecting' human rights "*lies at the very core of the international human rights regime*" (Ruggie, 2008b: 4) and is considered positive in nature (a positive duty) which requires action beyond that of 'do no harm' (a negative duty): a role that is traditionally assigned to and performed by states in the human rights regime (Shue, 1980).

implementation" (Ruggie, 2011a: 4). Ruggie has been keen to stress that it does not represent a comprehensive toolkit "*simply to be taken off the shelf and plugged in*" (Ruggie, 2011a: 5), but rather its significance lies in its due diligence tool or process which aims to assist companies to "*identify, prevent, mitigate and account for how they address their adverse human rights impacts*" (Ruggie, 2011a: 16). By opting for a due diligence framework, Ruggie explicitly rejected the 'spheres of influence' concept (which he was mandated to clarify) on the basis that it conflated two different notions – the *proximity* to groups affected by business activity, and the *influence* of business to promote human rights – and concluded it would create more confusion rather than clarity for the business sector (Ruggie, 2008b).

Both the tripartite framework (Ruggie, 2008b) and the subsequent operating guidelines (Ruggie, 2011a) were unanimously endorsed by the UN Human Rights Council who then (in 2011) established a new Working Group to take forward the work of Ruggie, their role chiefly being one of promoting and raising awareness of the framework and its guiding principles (rather than carrying out or commissioning new empirical research). The programme of work and body of knowledge produced under the auspices of Ruggie, particularly the tripartite framework, has been well received on the whole particularly by governmental and business sectors.

> *Ruggie has made immense contributions to our understanding and expectations of business with regard to human rights, and indeed, to our understanding and expectations of CSR more generally* (Whelan et al., 2009: 368).

> [Ruggie] *has successfully raised the level of debate in this area through consultation, research, and analysis, which governments, business representatives, and, to a growing extent, civil society organizations have welcomed* (Jerbi, 2009: 301).

> *Given that the mandate does not involve any decision-making authority, Ruggie has been successful in defining the terms of the debate on business and human rights in a way that has been welcomed by most parties, especially the business community.* (Seppala, 2009: 410).

Despite being broadly welcomed by many parties – parties that had previously been at loggerheads over the Norms – a number of criticisms have been made of the framework predominantly in three areas. Firstly, the approach of 'principled pragmatism' as the

framework's justification is considered weak and ineffective[31] and, it is proposed, only a moral, ethically informed justification can convince companies to adopt the tripartite framework and/or respect human rights (Arnold 2010; Cragg, 2012b). Secondly, assigning companies a passive, do no harm, role, as well as a responsibility limited to direct abuse of human rights, fails to address how (a) many corporate human rights violations are of an indirect, complicit nature (Wettstein, 2012a), and (b) the reality of modern global business is such that a 'do no harm' approach in certain countries or situations is insufficient, unethical and potentially harmful (Nolan and Taylor, 2009). The final criticism put forward is that few companies to date have adopted the tripartite framework (Aaronson and Higham, 2013) and its uptake by the business sector is questionable given, according to Muchlinski (2012), it is incompatible with the shareholder centred approach to corporate governance (a model which currently dominates business practice).

Notwithstanding these criticisms, the creation of a specific UN role and Ruggie's subsequent work has undoubtedly provided a global focal point for thinking, debate and action on the topic (Jerbi, 2009). The significance for the present doctoral study, however, predominantly lies in the empirical research conducted or commissioned by Ruggie: research which has generally been lacking in the academic field. This empirically driven work has, for the main part, taken the form of large-scale surveys and questionnaires to investigate the practices of companies in respect of human rights (Appendix 2 provides a summary of some of the key studies conducted).[32] One of the

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[31] Differences exist regarding what 'principled pragmatism' entails. For Arnold (2010), the tripartite framework rests on a political conception of human rights, where parties to the framework develop and agree its content (but, according to Arnold, no such consensus exists especially within the business sector). For Cragg (2012b), the framework is "*grounded on an appeal to business (i.e., profit maximization) interests*" (p. 12) which, he argues, is unpersuasive in light of competing business imperatives.

[32] It is important to highlight, however, that this analysis excludes the wide-ranging multi-stakeholder consultations conducted by Ruggie and his team since 2006. Whilst the "*47 international consultations, on all continents, and ... site visits to business operations and their local stakeholders in more than 20 countries*" (Ruggie, 2011a: 4) can be viewed as a form of qualitative research, and includes much needed data on the company perspective, it is not considered research in the academic sense for a number of reasons.
- Ruggie himself does not label this work as academic in design or focus.
- Reports published on the proceedings of consultation exercises provide descriptive summaries of stakeholder comments with no theoretical or empirical analysis. Furthermore the perspectives of stakeholders are merged and presented collectively, thus it is difficult to isolate specific voices such as company, state, academic or civil society.
- Details are scarce regarding how stakeholders became involved in the consultations and whether this was an open process (any stakeholder could take part) or closed (invitation only).

first surveys to be commissioned by Ruggie, for example, explored the coverage of human rights in policies and management practices of Fortune Global companies and found that nearly all respondents – nine out of ten – reported having an explicit set of human rights principles or management practices in place (Ruggie, 2006a; Wright and Lehr, 2006). Although an encouraging sign, the survey also revealed that corporate recognition of human rights varied considerably and that beyond labour rights (which received the most attention) there was "*widespread lack of certainty regarding which rights pertain to corporations*" (Wright and Lehr, 2006: 50).

Whilst these studies are valuable for the insights they provide on macro-level trends in governance structures and practices (data which were lacking specifically on human rights), survey instruments alone are "*in danger of de-contextualising relevant moral issues to the extent that essential layers of meaning are inevitably stripped away and lost*" (Crane, 1999: 245). Ruggie and his team have recognised this as an issue (Pachoud, 2008)[33]; however, throughout his appointment Ruggie has stressed that the approach of "*principled pragmatism*" (2006b: 20) is the most appropriate strategy with which to fulfil the UN's mandate. It is this approach, characterised by quantitative, applied and atheoretical research that is significant for the present study because it influenced the development of research questions that explore qualitatively the layers of situated meanings, interpretations and sensemaking practices of individuals within companies whilst also utilising and building on Ruggie's largely quantitative empirical work.

3.5. Organisational and management-focussed literature in related fields

Given the marked increase in material published by Ruggie and the effect this new UN role has had on advancing the international profile of business and human rights, it is somewhat surprising that empirical research on how human rights are perceived, interpreted and addressed within companies remains scarce. Similarly, interpretive and qualitatively-orientated research in related fields such as CSR, business ethics and

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- The consultations were, on the whole, narrow in focus and designed predominantly as a mechanism for Ruggie and his team to receive feedback on their work particularly in relation to the tripartite framework and operating guidelines.

[33] Personal communication with Gerald Pachoud (Special Advisor to the Special Representative on Business and Human Rights) on 7th November 2008 at the 6th Annual Symposium of the International Centre for Corporate Social Responsibility, Nottingham University, UK.

corporate citizenship has also been in short supply. However, in recent years there has been an increasing focus on the experiences and day-to-day practices of corporate managers within these fields. This relatively small collection of work is noticeable in a field where corporate responsibility research has been largely quantitative in design and focused on the impact of institutional factors on corporate behaviour (as suggested by Cowton, 1998; Lockett et al., 2006; Scherer and Palazzo, 2007; Egri and Ralston 2008; Kolk and van Tulder 2010). Furthermore this interpretive strain of research provides a response to the calls for more qualitative, contextual and person-centred enquiry as regards internal corporate responsibility practices (Crane, 1999; Fahy, 2008; Laplume et al., 2008; Aguinis and Glavas, 2012).

Considering the similarities of this empirical work to the present study in terms of its focus on those tasked with the responsibility of managing social and environmental issues in corporations, it is necessary briefly to review this research. In short, this work can be classified as management focussed, exploratory, qualitative and principally concerned with research questions such as:

- the meanings attributed to CSR;

- the drivers of change and justifications for CSR engagement;

- the role and activities of middle management and other significant actors in designing and managing CSR; and,

- the structures put in place to govern, coordinate and implement CSR commitments such as policies, management systems and communication strategies.

A noticeable proportion of this empirical research (on managers' perceptions of CSR) has approached this topic from a sensemaking perspective. Given that the doctoral study also employs a sensemaking framework (to explore the meaning of human rights within companies), this material is addressed in-depth in the following sections of this chapter. Before this is reviewed, however, running alongside the CSR sensemaking literature is a body of empirical work that also focuses on CSR from a managerial perspective but from a non-sensemaking perspective. Typically this research can be summarised as empirically driven and atheoretical in its design and analysis (such as Cragg and Greenbaum, 2002; O'Dwyer, 2003; Whitehouse, 2006; Silberhorn and

Warren, 2007; Pedersen, 2010; Ditlev-Simonsen, 2010). Despite the descriptive nature of this work it has nonetheless informed the present study, and contributed to the corporate responsibility field in general, by providing much needed empirical data on the internal practices of corporate responsibility from the perspective of managers and other key organisational members.

Two relatively recent studies in this group, that of Pedersen (2010) and Ditlev-Simonsen, (2010), are particularly noteworthy not only for the interesting insights they offer on managerial perceptions of CSR, but also for the vastly different methods adopted, illustrating the diverse ways in which the subject matter can be approached. Pedersen (2010), for example, employed a large-scale survey collecting data from over 1,000 managers in eight large international firms headquartered in Europe and North America. What was distinctive about this research was its use of open questions rather than fixed, thus departing from the association typically made in the (social) sciences between quantitative methods and the positivist, objectivist paradigm. The survey generated 949 statements which were analysed using a qualitative coding scheme and the data scrutinised for how managers perceived the role of business in society. Pedersen (2010) found that managers tended to have a fairly traditional view of what societal responsibilities companies should embrace and were mostly occupied with commitments closely related to the operations of the firm. Broader areas of responsibility such as poverty reduction and human rights received little attention from managers. Pedersen's (2010) study also lends support to the assumption, widespread in CSR literature, that the active support of managers is a precondition for organisational change.

In contrast to Pedersen's approach, Ditlev-Simonsen (2010) employed a case study design to explore how CSR was interpreted, introduced and applied within companies from the perspective of the 'translator' (that is, the change agent with overall responsibility for CSR). Based on interviews with three CSR managers in three Norwegian companies, it revealed that the understanding, position and motivation of translators significantly influenced the introduction and design of CSR. Ditlev-Simonsen (2010) also found that the introduction of CSR terminology did not always signal a significant change in the organisation itself but that "*in these cases the main effect of CSR introduction reflects openness about already ongoing environmental and*

social activities" (2010: 452). Unlike other empirical studies of this kind, Ditlev-Simonsen's research was distinctive for its attempt to employ a more theoretically based approach. Drawing on knowledge transfer and translation theory she concluded that this 'practical' approach was beneficial for its ability to integrate a wide variety of motivations for CSR within an interpretive framework. She also suggested that this approach was of greater analytical potential than a sensemaking framework as it not only included the core elements of sensemaking but was also able to assess the impact of CSR within companies, something which Ditlev-Simonsen (2010) believed the sensemaking model lacks.

Despite the interesting insights the above two studies offer, not least for their contrasting designs and methods, they, like other research in this group, can be criticised on a number of fronts, most notably their prescriptive and atheoretical focus. It is this theoretically informed strand of CSR and managerial research that is focussed on and explored in the following sections, and provides not only a qualitative look at CSR practices and processes within the corporate setting, but does so using a sensemaking theoretical framework (the value of which is also discussed).

3.5.1. *Organisational sensemaking: introduction*

Before the CSR sensemaking research is presented, and given the present study's focus on and use of the sensemaking concept, it is necessary to briefly outline the main features of the sensemaking perspective and how it has been applied to the study of organisations.

The sensemaking concept is widely attributed to the work of Karl Weick and most notably his landmark book "*Sensemaking in Organizations*" (1995). That the term or elements of Weick's notion of sensemaking were not in academic use before 1995 is not the suggestion here (and indeed Weick himself had published seminal pieces on sensemaking particularly in relation to turbulent contexts: 1988, 1993). Rather, this book represents an important 'moment' in the concept's evolution for the way it pulls together, summarises and evaluates strands of sensemaking academic thought and research from a variety of disciplines, and develops this concept further into the most

complete depiction of sensemaking to date both in general terms and in relation to organisational sensemaking (Nijhof and Jeurissen, 2006; Cramer et al., 2004).

At its most simplistic and basic level, sensemaking *"means the making of sense"* (Weick, 1995: 4). Implicit within this basic definition is the central facet of the sensemaking perspective, namely that underlying the making of sense is a process or set of processes. This process is set in motion when individuals are confronted with *"problematic situations which are puzzling, troubling, and uncertain."* (Weick, 1995: 9) The initial question that sensemaking generates is *"what's going on here?"* (Weick et al., 2005: 412) or *"what's the story here?"* (Weick, 2001: 237). Sensemaking thus attempts to make sense of and organise the state of flux and disruption experienced by individuals in the way it *"constructs, understands and gives meaning to unexpected events."* (Reis, 2010: 144).

The wide-ranging research that has since applied the sensemaking lens shares an underlying logic that, as the essence of the sensemaking concept, encompasses a basic interest in how individuals *"construct what they construct, why, and with what effects"* (Weick, 1995: 4). Sensemaking studies hence focus on how the social world is constructed, perceived, interpreted and experienced, and stress the context and richness of social settings in sensemaking processes. To explore these aspects empirically, sensemaking research has typically employed naturalistic and qualitative methodologies (Maitlis, 2005; Nijhof and Jeurissen, 2006; Heijden et al., 2010) and used a range of methods associated with this philosophical approach such as field observations, semi or unstructured interviews and case studies (Weick, 1995).

According to Maitlis (2005), sensemaking research has approached the study of organisations in two ways. Firstly, sensemaking has primarily been used to investigate extreme conditions in organisations such as crisis or disasters. Weick himself has made a noticeable contribution in this area, for example he applied a sensemaking analysis to explore and explain the disasters of the Bhopal gas leak (1988, 2010), Mann Gulch wildfire (1993) and Tenerife air crash (1990). Maitlis and Sonenshein (2010) suggest that organisations facing extreme and unexpected situations have attracted significant attention from sensemaking analysts because it provides *"powerful occasions for sensemaking, as individuals' ongoing routines are interrupted and they are compelled*

to ask themselves, and those around them, what is going on." (Maitlis and Sonenshein, 2010: 554) In contrast to the study of organisational processes as a whole (as in crisis situations), the second area that sensemaking studies have tended to investigate is that of "*cognitive aspects.*" (Maitlis, 2005: 21). This research has taken a more person-centred approach in terms of investigating the role that specific organisational actors play in sensemaking processes. Concentrating particularly on organisational leaders and middle management, these studies explore how individuals, as key 'sensegivers', influence the sensemaking of others through the use of persuasive or evocative language (for example see Gioia and Chittipeddi, 1991; Maitlis and Lawrence, 2007). Since Maitlis (2005) identified the above areas as representing the main developments in organisational sensemaking research, a third and noticeable stream that has since emerged is that of corporate social responsibility. It is this body of literature that the chapter now presents, explores and evaluates.

3.5.2. *Academic literature and research on CSR sensemaking*

As suggested earlier, a notable proportion of empirical research (in related academic fields) on how CSR is constructed, interpreted and implemented within organisations has employed a sensemaking approach. Whilst this research shares an identical interest in the areas and questions that non-sensemaking CSR studies are concerned with, it is distinctive for the emphasis it places on three particular aspects. First, and above all, it is concerned with the sensemaking process or processes underlying the development of CSR within organisations. Secondly, sensemaking studies are particularly interested in social processes and how communication, talk, interaction and language construct the meaning of CSR. Thirdly, a greater emphasis is placed on investigating the role that key organisational actors play in the design, execution and communication of CSR.

Whilst the application of sensemaking to the study of CSR represents a fairly recent development (Fassin and Van Rosem, 2009), there are indications that this approach is gaining wider recognition within organisational and management fields. For example, in 2006 a special journal issue was published on the topic (in *Business Ethics: A European Review*) and in 2008 the *Academy of Management Review* published a theoretical article on sensemaking and CSR. The latter publication, by Basu and Palazzo, represented a significant moment in the CSR and sensemaking literature. In it,

the authors argue for a shift away from content-based CSR research to analyses that investigate internal processes and sensemaking practices within companies. They consider this to be a more fruitful line of enquiry since the type or 'character' of CSR is viewed as *"resulting not directly from external demands but, instead, from organizationally embedded cognitive and linguistic processes."* (Basu and Palazzo, 2008: 123) To explore this process systematically, Basu and Palazzo proposed an analytical model comprising three processes which represent *"an organization's inherent sensemaking"* (2008: 130); that of cognitive dimensions (what companies think), linguistic dimensions (what companies say) and conative dimensions (how companies tend to behave). This *"tripartite conception of CSR processes"* (*ibid*) could, they argue, provide a means of predicting CSR characteristics and outcomes more consistently and also address how and why companies react differently in the light of similar stakeholder demands. Whilst it is too early to assess the impact of this framework for the CSR, sensemaking and management fields, it nonetheless represents a notable development in the CSR and sensemaking literature, and elevates the status of this approach in general.

Basu and Palazzo's (2008) process model represents an important theoretical look at CSR and sensemaking which, as highlighted by the authors, requires much empirical testing and further development. Of particular interest to this chapter, however, is the research that has empirically examined CSR from a sensemaking perspective. Characteristically, and in keeping with sensemaking's ontological and epistemological roots, this stream of research adopts a social constructionist standpoint and employs interpretive and qualitative methodologies. It shares a basic concern with 'how' and 'why' questions rather than 'what' (Nijhof and Jeurissen, 2006) and focuses particularly on the sensemaking process or processes underlying the development of CSR within organisations. As highlighted earlier, it is the emphasis on process as well as communication, language and social interaction that differentiates this research from other empirical studies that have focussed on managerial viewpoints and practices in relation to corporate responsibility (as outlined earlier in section 3.5).

The first publication that empirically applied Weick's conception of sensemaking to investigate CSR practices (that of Cramer et al., 2004) is noticeable for the way in which the data-set used has since formed the basis of several articles by these authors

(notably Cramer, 2005; Cramer et al., 2006; and, Heijden et al., 2010). This data was gathered from research conducted with 19 companies involved in a Dutch (Government financed) initiative, the aim being to support companies as they developed and implemented CSR within their organisations. Based primarily on semi-structured interviews, the research focussed on how participants gave meaning to CSR in the course of the implementation process and particular attention was paid to the language used, the drivers of change, the activities carried out and the role of change agents during this process. The main findings, as reported in the publications outlined above, are as follows.

- CSR was interpreted in very different ways by participants and highly context-specific.

- CSR was considered a new 'buzzword' but its meaning was not completely clear.

- 'Change agents' (as individuals tasked with overall responsibility) acted as catalysts for initiating the process of sensemaking on CSR. Their personality, circle of influence and position within the company were decisive factors in starting and shaping the process.

- Language and words were the essential 'instruments' through which meaning was constructed and transferred. Change agents used language to promote and foster change by tailoring the CSR message according to the target audience.

- The process of sensemaking was found to be ongoing, cyclical, non-linear, 'messy' and shaped through trial and error.

- A number of sensemaking approaches were identified (as representing different processes that companies adopt to understand, implement and manage CSR). Cramer et al. (2006) identified five main processes, those being pragmatic, external, procedural, policy-orientated and values driven.[34] Heijden et al. (2010), on the other hand, identified two main sensemaking processes, those of pragmatic (action orientated) and systematic (policy and systems focus).

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[34] To briefly summarise the five processes. A *pragmatic* sensemaking approach focuses on translating CSR principles into practical and clear goals. *External* sensemaking is an outward looking approach that focuses on stakeholder perceptions of the company and emphasis is placed on external communications and public relations. In *procedural* sensemaking, companies systematically strive for the implementation of CSR within strategic quality and management systems. A *policy* sensemaking approach focuses on developing CSR within a policy framework. The final sensemaking orientation, that of *values*, aims to embed the meaning of CSR within the values and beliefs of the company.

In addition to the above research on CSR sensemaking practices in Dutch companies, other notable studies applying a sensemaking framework have been conducted, each approaching the topic differently and in doing so each illuminating particular aspects of the sensemaking concept. Like Cramer and her colleagues, research by Reis (2010) and Fassin and Van Rosem (2009) also focussed on corporate managers' sensemaking activities but they differed considerably in the research questions and methods employed. The study by Reis (2010) explored the ethical reasoning process of 23 managers, investigating how daily issues, problems and dilemmas were identified and made sense of. The study suggests that three different types or categories of managers' ethical sensemaking orientations exist, those of proactive, institutional and technical. Reis concluded that managers' personal identities exerted a strong influence for how ethical issues were identified, interpreted and addressed. The research conducted by Fassin and Van Rosem's (2009) explored how 20 companies and 21 opinion leaders understood and differentiated between a number of concepts such as corporate governance, CSR and business ethics. Using a cognitive mapping method (known as The Repertory Grid Technique) they found that participants constructed their own mental models when making sense of various terminologies which helped them to create a clear understanding of the meanings of each term. Fassin and Van Rosem's (2009) conclude that this provides counter evidence to the academic claims that confusion exists surrounding the different labels in use.

Rather than focus solely on the experiences, perceptions and practices of corporate managers, research has also examined the process of sensemaking between companies and external stakeholders and has thus introduced and incorporated a stakeholder management approach within the CSR and sensemaking research strand.[35] In combining these three perspectives, this approach argues that 'joint' or 'collective' sensemaking is crucially important for companies and managers seeking answers to

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[35] Stakeholder management or theory encompasses an extensive body of literature and research dating back to the 1980s and the landmark book *Strategic Management: A Stakeholder Approach* (1984) by Edward Freeman who is considered "*stakeholder theory's senior trustee*" (Laplume et al., 2008: 1158). In it, Freeman highlighted the now common place idea (Donaldson and Preston, 1995) that companies have a responsibility beyond that of their shareholders (or stockholders) to that of stakeholders defined as "*any group or individual who can affect or is affected by the achievement of the organization's objectives*" (Freeman, 1984: 46). This perspective has offered companies a pragmatic approach towards the management of stakeholders by addressing difficult questions such as which stakeholders matter, what stakeholder interests should companies recognise, and how best to respond to and balance stakeholder demands and interests (Mitchell, et al., 1997).

complex societal issues such as what responsibilities should companies have and to whom. Schouten and Remmé (2006) investigated this process of 'joint sensemaking' in detail using Shell's implementation of the Extractive Industries Transparency Initiative (EITI) as a case study. They found that the stakeholder engagement programme - an integral feature of this initiative - was crucial to the success of the EITI. The study suggested that the process of collective sensemaking allowed a shared meaning and a collective understanding to evolve regarding the expectations of Shell. The study also confirmed the centrality of language and suggested that key social interaction skills such as listening and reflection were crucial for effective joint sensemaking. Like Schouten and Remmé (2006), the study conducted by Pater and Lierop (2006) also found collective sensemaking with external stakeholders to be a valuable process for companies and external parties alike. They argued that a 'societal interaction' approach is especially important when companies are faced with complex societal issues and/or operate in complex environments. Joint sensemaking, they suggest, can assist managers to better appreciate the issue at hand and help decipher the meaning of responsible conduct towards that issue.

3.5.3. *Contribution and limitation of research on CSR sensemaking*

Despite the relatively small corpus of recent empirical research employing a sensemaking approach, as described above, it has nonetheless made a valuable contribution empirically, methodologically and analytically to our understanding of corporate responsibility. It has also informed the present study by illustrating the application of the sensemaking approach to a field related to human rights (predominantly CSR) and in doing so revealing the benefits and limitations of this approach (discussed below).

Empirically, this research plays an important part in redressing the balance towards more qualitative, in-depth and contextually rich data on the practices, perspectives and processes of corporate responsibility within companies. Furthermore, it provides an insight into the experiences and day-to-day activities of individuals tasked with the overall management of corporate responsibility, be they managers, 'change agents' or 'translators'. This is important data particularly for the way it sheds new light on the role of 'CSR managers' (or similarly titled positions such as 'sustainability' and

'corporate responsibility'), a corporate function that represents unfamiliar territory for most companies

Methodologically, this research has made a significant contribution, most notably in the application of a relatively new concept - in this case sensemaking - to the study of corporate responsibility, something which has only been attempted recently. The research conducted so far suggests that the sensemaking concept appears to be well-suited to the study of phenomena such as corporate responsibility. Weick suggests that sensemaking is initiated in organisations when a "*shock*" occurs (1995: 84), that is when a situation, event or some other stimuli produces a state of confusion or uncertainty. It follows that corporate responsibility for many companies represents something that is new, strange and confusing (and, it is argued in this present study, more recently the 'shock' and confusion of human rights) causing a sense of disruption, flux and dissatisfaction that then initiates a search for meaning and action.

Analytically, the sensemaking and corporate responsibility research has made a number of important contributions. Despite a small corpus of research (and more is needed to continue exploring the sensemaking concept vis-à-vis corporate responsibility) sensemaking has proved to be a beneficial analytical approach for the way it facilitates and enhances our understanding of corporate responsibility. For example, the focus on process rather than content enables an in-depth exploration of the development of corporate responsibility *in situ,* providing much needed data on how the phenomenon is constructed, transformed and maintained within organisations. This in turn leads to a better appreciation of the factors that shape the content and 'character' (design) of corporate responsibility (Basu and Palazzo, 2008) as well as illuminating the organisation as a complex site, one in which numerous CSR interpretations, motives and beliefs exist requiring some form of negotiation and management. Finally the application of the sensemaking concept brings fresh analytical insight to the role of key individuals in corporate responsibility processes most notably from the perspective of those tasked with its overall development, implementation and management. By investigating the sensemaking practices of managers it draws attention to the 'sensegiving' process and the way in which individuals attempt to influence the sensemaking of others, such as using language strategically, with a view to mobilise CSR interest, support and action within organisations.

Paradoxically it is this strength of analysis (that is, the insight it provides on the role of key individuals in shaping corporate responsibility) that also represents a significant drawback of the sensemaking and corporate responsibility literature. Running strongly throughout this research is a view that the interpretation, design and implementation of corporate responsibility is shaped significantly by key individuals in charge of this process, thus stressing the important part played by the values, background and characteristics of managers. The emphasis on individuals and individual autonomy is a particular characteristic of sensemaking research that Weick himself highlights as a limitation stating that "*people who talk about sensemaking may exaggerate agency and may be reluctant to assume that people internalize and adopt whatever is handed to them*" (Weick et al., 2005: 417). Weick suggests that more research is therefore needed to redress this balance by exploring the "*juxtaposition of sensemaking and institutionalism*" (*ibid*), research which the corporate responsibility field would also benefit from, for example by examining how the interaction of organisational and individual factors influence the development of corporate responsibility within companies. A further weakness of the sensemaking and CSR literature is the way in which it overly focuses on certain properties of Weick's sensemaking process, most notably social interaction, communication and language (in constructing the meaning and understanding of CSR) and the ongoing, cyclical and experimental nature of (CSR) sensemaking. Whilst it is accurate to say that other sensemaking properties, such as retrospection, enactment and plausibility are mentioned in CSR studies, it is only in passing (when sensemaking is introduced for example) and so far they have not been at the forefront of the analysis. As well as Weick's main sensemaking properties, a further notable omission in the CSR research is a consideration of 'occasions for sensemaking'[36]. Also proposed by Weick (1995), this suggests that the search for meaning in organisations is commonly triggered by two occasions, those being uncertainty (lack of information) and ambiguity (excessive, unclear or complex information). It is somewhat surprising that research on the processes of corporate responsibility has not explored the area of 'occasions for sensemaking' given the centrality of the organisation (and organisational members) within these analyses. While Weick (1995: 76) admits that it is unrealistic to expect any one study to address

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[36] It must be highlighted, however, that the study by Heijden et al. (2010) represents the only exception to this. By incorporating 'occasions for sensemaking' in their research they found that sensemaking was largely triggered by a lack of information (uncertainty) about corporate responsibility rather than too much information or multiple interpretations (ambiguity).

all sensemaking properties, the phenomenon of corporate responsibility (as well as human rights) would benefit from research that applies the sensemaking concept more holistically, incorporating some of the sensemaking characteristics that so far have been overlooked.

In summary, the sensemaking concept (attributed primarily here to Weick's conception) has gained increasing recognition in organisational studies for its theoretical and analytical potential as well as its flexible and pragmatic approach. With its emphasis on process, meaning construction, use of language and social interaction, sensemaking offers an alternative approach in organisational theory (Cramer et al., 2006; Heijden et al 2010).[37] By rejecting the "*more linear or rational view of management theory*" (Nijhof and Jeurissen, 2006: 317) it highlights how "*the routine, taken-for-granted aspects of organizational life are far less concrete and real than they appear*" (Morgan, 1980, cited in Jeong and Brower, 2008: 225). Research that has applied the sensemaking lens to investigate corporate responsibility has made a valuable contribution to the corporate responsibility and organisational sensemaking fields alike and has so far proved to be a constructive approach to examine how the phenomenon of CSR is constructed, transformed and managed on a daily basis within organisations. However, this approach has yet to be applied to the study of business and human rights, a research gap which this doctoral study addresses.

3.6. Stages of corporate responsibility: academic literature and research

This chapter has argued so far that, firstly, empirical studies on how human rights are perceived, interpreted and addressed from the perspective of managers and other key members within companies is scarce. Secondly, some research exists on the experiences and day-to-day practices of corporate managers but in fields related to human rights such as corporate social responsibility, business ethics and corporate citizenship. And finally, a noticeable proportion of empirical research in related fields (such as CSR) have employed a sensemaking approach to investigate how sense is made of corporate responsibility by those tasked with its overall responsibility and management.

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[37] Gioia for example, asserts that sensemaking, and Weick's work in particular, has "*changed the way we think about, talk about, and even act in organizations*" (2006: 1710).

Given the focus on investigating the processes underlying the development of human rights within companies, the third and final body of literature that informed the study is that of stages of development. This work focuses on and puts forward the idea that the process or development of corporate responsibility within companies consists of a number of progressive evolutionary phases, each with distinctive characteristics. Despite Lindgreen et al. noting that CSR "*is not a single comprehensive activity but rather a bag consisting of many different activities that an organization can select among*" (2009: 252), this literature proposes that discernible patterns and trends can be identified (based on empirical research) concerning how corporate responsibility develops within companies. Furthermore this literature also suggests that a number of key features should exist during this process, features which signal that the commitment to corporate responsibility is genuine, important to the company and embedded (or will become embedded) within organisational behaviours and practices. Whilst no academic work exists that charts the stages of human rights development within companies, this process has been examined in a number of related areas including corporate citizenship (Mirvis and Googins, 2006), business ethics (Reidenbach and Robin, 1991; Sridhar and Camburn,1993), sustainability (Dunphy et al., 2003; Nidumolu et al., 2009), corporate responsibility (Zadek, 2004), and most notably corporate social responsibility (Carlisle and Faulkner, 2004; Maon, et al., 2008, 2009, 2010; Galbreath, 2009; Heijden et al., 2010; Ditlev-Simonsen and Gottschalk, 2011). As well as this diversity (in fields addressing development stages), the theoretical and conceptual roots of this work is equally diverse, drawing on moral development theory (such as Sridhar and Camburn, 1993), organisational growth theory (for example Ditlev-Simonsen and Gottschalk, 2011) and organisational learning theories (for instance Maon, et al., 2010). Theories of learning and growth are especially prominent in this literature and are used to illustrate and emphasise how a commitment to corporate responsibility within organisations develops through a process of continuous learning and reflection (Ballard, 2005), which, in turn, facilitates and drives organisational growth and results in institutional changes.

A common feature of the stages of corporate responsibility literature is the development of models that plot along a continuum progressive stages in the evolution of corporate responsibility together with key characteristics within each phase. These developmental models vary considerably in terms of their complexity (from simplistic to multifaceted

models), the number of stages involved, the contents of each stage, a linear or non-linear process and the theoretical and conceptual ideas utilised (or not). It is this diversity that Maon et al. (2010) have attempted to reconcile and incorporate in their consolidated development model of CSR in which they argue that companies progress along a continuum of seven development stages within three overarching cultural phases (as illustrated in Table 4). The first cultural stage is characterised by a reluctance to acknowledge CSR as an important and relevant issue. It is during the second cultural stage that companies begin to recognise and grasp the concept of corporate responsibility as well as develop skills in managing CSR. In the final and third cultural stage CSR becomes embedded within core business activities, and companies "*extend their CSR-related know how, deepen their key stakeholders' relationships and mobilize their internal resources to address CSR related demands from their environment proactively*" (Maon et al., 2010: 32). A notable feature of Maon et al.'s model, which differentiates it from previous attempts, is the inclusion of three cultural stages representing the values, beliefs and character of an organisation within a developmental framework. They illustrate for the first time in a conceptual developmental model the close association between the cultural system or milieu of an organisation and the development of corporate responsibility (in terms of the extent to which corporate responsibility can develop in organisations). By drawing on and integrating different theories, stage characteristics and other discrepancies in the literature, Maon et al.'s model represents the most sophisticated and conceptually developed framework to date (as well as providing a comprehensive summary and overview of the main stage models developed on corporate responsibility).

Maon et al.'s stage model of CSR and the developmental stages literature in general is an important body of work for drawing attention to the internal processes and structures that make up the development of corporate responsibility within organisations. It thus contributes to the move towards a more grounded and qualitative approach in organisational research that aims to explore and understand how corporate responsibility unfolds and manifests itself in companies (Silberhorn and Warren, 2007). In this respect it shares many similarities with the organisational sensemaking research which also attempts to explore how the phenomenon of corporate responsibility is managed within organisations (as well as how it is constructed, interpreted and transformed). Thus both literatures - sensemaking and stages of development - place

process rather than content at the centre of corporate responsibility investigations. Sensemaking processes also feature prominently in the development stages literature. Maon et al. argue that *"the development and implementation of integrated CSR strategic agendas by organizations therefore becomes a process of change that occurs through managerial understanding and sense making"* (2008: 414). Likewise, notions of the evolution and development of corporate responsibility feature in some sensemaking literature. For example, Nijhof and Jeurissen state that *"(a)pproaching CSR from a sensemaking perspective models CSR as an evolutionary process where many different agents act and react upon each other."* (2006: 316) The development of corporate responsibility, then, can be seen as a dynamic, interactive and ongoing sensemaking process where learning and reflection act as a spring board for action which, in turn, generates new ways of seeing that leads to further action (and so forth), and thus with each learning stage CR changes, grows, transforms and matures over time.

Table 4. Consolidative Model of Corporate Social Responsibility Development

(3) Cultural Phases	(7) Developmental stages
Reluctance Phase CSR ignored or considered a constraint	1. *Dismissing stage*: relationship with stakeholders is purely contractual, absence of CSR interest and activities
Grasp Phase CSR principles become familiar	2. *Self-protecting stage:* limited, ad hoc and uncoordinated CSR activities, CSR marginal to organisational culture
	3. *Compliance-seeking stage:* compliance with regulation, early policies develop (health and safety, environmental)
	4. *Capability-seeking stage:* business rationale for CSR begins to emerge and new categories of stakeholders recognised
Embedding Phase CSR principles fully embraced and influence organisational outcomes	5. *Caring stage*: coordination of CSR policies becomes cross-functional, top management recognise CSR as long-term business wide opportunity
	6. *Strategising stage:* CSR becomes important unto itself, company gains reputation as CSR leader, moves beyond community expectations
	7. *Transforming stage*: moves beyond traditional business model, adopts ethical values committed to human well-being and global ecological sustainability

(Source: Maon, Lindgreen and Swaen, 2010)

Despite the complementary nature of the sensemaking and developmental stages literatures, the sensemaking research conducted so far on corporate responsibility also highlights the main limitation inherent in this work; namely the over-simplistic, linear and rational process that developmental models depict. Thus, sensemaking research has found the process of corporate responsibility within organisations to be 'messy', non-linear and characterised by trial and error. Cramer et al., argue that this contradicts the "*common managerial belief that changes in organisations comes about through a rational process of adopting a clear mission, vision and related strategy*" (2004: 219).

Whilst the development stages literature recognises this as a drawback, attempts to address this fundamental criticism have thus far been unconvincing. Ditlev-Simonsen and Gottschalk (2011), for example, argue (correctly) that development models are predominantly normative and conceptual endeavours, and that empirical research is needed to test their relevance and applicability in practice. Maon et al. (2010: 34) on the other hand stress the flexibility of their model and highlight that companies may 'leapfrog' certain stages, revert back to earlier stages and/or experience trial and error periods. Despite this significant drawback in the stages of corporate responsibility literature, the ideas inherent in this literature are viewed as particularly useful for the present study, given its focus on the development and evolution of human rights commitments within companies. Furthermore, it is also noted that the stages of development literature lacks a human rights perspective and is found in related areas, CSR in particular, thus this doctoral study attempts to provide new empirical data on the evolution of human rights within companies.

3.7. Literature review synopsis and conclusion

This chapter has introduced, summarised and scrutinised the body of knowledge that informed this doctoral study. It did this by focussing on three academic fields and evaluated the knowledge, ideas and research that have been established within these arenas as well as identifying the gaps in knowledge, understanding and research.

It firstly presented and evaluated material published exclusively on the human rights concept vis-à-vis private entities highlighting two main developments in this field, those

of academic and UN produced literatures. It was argued that since the late 1990s there has been a steady growth in academic literature exploring human rights and business from a variety of angles (theoretically, legally, empirically, etc.) and in doing so has gone some way towards establishing itself as an distinct academic field in its own right. It was concluded that whilst this area is currently in the process of developing a body of relevant knowledge, practice and theory, academic work to date has been overwhelmingly normative, conceptual and non-empirical in focus and design. What little empirical research has been conducted (mainly from a quantitative methodology), suggests that companies adopt a mainly passive role (a 'do no harm' approach) in respect of human rights and recognise a narrow range of human rights (restricted largely to labour rights). The present study was hence viewed as important to help redress this balance by providing much needed empirical data on the process by which companies conceptualise, recognise and respond to human rights concerns. The chapter then highlighted the extensive amount of material generated on the topic by John Ruggie - the former UN Special Representative on Business and Human Rights - noting that this includes the bulk of empirical research conducted in this area to date. It was argued that this research is beneficial for providing knowledge on macro-level trends of human rights practices within companies (such as governance structures) but is largely quantitative, applied, atheoretical and content focussed. It was concluded that the way in which companies understand, interpret and manage human rights from the perspective of those tasked with its responsibility remains under-researched.

Owing to the lack of data on how organisational actors construct, transform and manage human rights on a daily basis, the chapter then evaluated similar research in fields related to human rights, mainly in the corporate social responsibility and business ethics literatures. It was noted how this empirical research can be divided (conceptually) into studies that have applied a sensemaking approach and those that have not. Research in the latter group, it was argued, provides much needed data on corporate responsibility from the perspective of key organisational members but are mainly descriptive accounts largely devoid of any theoretical and conceptual basis. Research that has drawn on Weick's sensemaking concept was then reviewed noting this to be a recent application to the study of corporate responsibility. The methodological and analytical insight that sensemaking offers was viewed as particularly beneficial for the investigation of corporate responsibility *in situ*, with its emphasis on process, social interaction,

language and the construction of shared meaning and situated knowledge. Notwithstanding limitations in both this research and the sensemaking concept itself, it was argued that this literature brings a fresh insight to the processes underlying how sense is made of corporate responsibility within organisations but noted the investigation of human rights from a sensemaking approach remains under-developed.

The final body of literature this chapter evaluated related to material on stages of development, noting the prominence of models within this literature which attempt to plot the evolutionary phases of corporate responsibility within organisations. It was also observed that sensemaking processes such as action, reflection and learning are critical activities that help shape and drive the development of corporate responsibility within organisations, thus illustrating the close association between the stages of development and sensemaking literatures. Despite the methodological limitations of this material, not least the linear process implied, it was argued that this body of work is valuable, albeit normatively, for the way it draws attention to the internal processes and structures that are commonly found in the development of corporate responsibility within organisations, but also noted that this work lacks a human rights perspective.

The three fields of literature scrutinised in this chapter also introduced the theoretical and intellectual frames that informed the analytical approach of the present study. In outlining the knowledge established within each, their strengths and weaknesses and the extant gaps in knowledge and research, the study thus develops and proposes an overarching conceptual and analytical framework that combines and builds on the three literature areas.

1. In relation to the *business and human rights literature*, the study adds empirical value by providing much needed qualitative, in-depth, nuanced and contextually rich data on the understanding, interpretation and management of human rights within companies. It thus fills an important research and knowledge gap between the normative, conceptual focus of academic material, and the quantitative, empirical orientation of UN/Ruggie research. It also adds value by exploring some of the claims made in the business and human rights literature, such as the type of approach (passive or proactive?) companies have adopted in respect of human rights, how a commitment to human rights operates within companies (peripheral or integral to business practice?) and the extent to which the state and

legal construct of human rights (considered dominant in human rights practice) plays out within companies (does it, for example, act as a barrier for human rights recognition?)

2. In relation to the *organisational sensemaking literature*, the doctoral study makes use of the sensemaking concept and develops it into a robust analytical framework with which to analyse the sensemaking activities and processes underlying the development of human rights within companies. Given that the sensemaking concept has yet to be applied to the business and human rights arena, this study adds methodological value by investigating the extent to which the sensemaking framework assists and enhances our understanding of how key actors within companies interpret, manage and make sense of human rights.

3. In relation to the *stages of development* literature, the doctoral study utilises the evolutionary models in the related fields of CSR and sustainability to investigate and analyse the process and development of human rights within companies. The study hence adds value to this body of literature by bringing an empirical lens to the mainly normative and conceptual models which have hitherto lacked a human rights perspective

Having critically reviewed the body of knowledge that informed this doctoral study, the next chapter provides a reflexive account of the study's philosophical approach, research design and methods as well as outlining how the sensemaking concept was reviewed, adapted and applied as the study's analytical framework.

Chapter 4

Research Design, Methods and Analysis

4.1. Introduction

In the previous chapter the literature 'landscape' relevant to the study's main area of interest was introduced, summarised and evaluated. Three principle academic 'fields' were identified, that being business and human rights, CSR sensemaking and stages of CSR development. The knowledge, ideas and research developed within each were then critically reviewed. The focus of this study was viewed as having emerged from this evaluation and the gaps in knowledge and understanding identified, namely the lack of qualitative, in-depth, nuanced and contextually-rich data on the development and sensemaking process and practices of companies in relation to human rights.

The purpose of this chapter is a reflexive 'walk' through the research 'journey' (the 'story' behind the 'story'). It describes, justifies and makes visible the process by which the broad research aim (above) developed and was then conceptualised, transformed and operationalised into a rigorous, scholarly and worthwhile doctoral study. To achieve this, the chapter is structured into four main sections. It first sets the scene by outlining the impact of my biography in shaping and constructing the research 'field' and 'problem'. Secondly, it details my involvement with a consultancy to carry out a study for the UK Government which served as a pilot study. Thirdly, the chapter describes in detail the doctoral study itself and the research philosophy, approach, methods, fieldwork and data analysis. Lastly, the chapter introduces the study's analytical framework, sensemaking and organising, the reasons for its adoption and how it was adapted for this study.

4.2. A (brief) note on reflexivity

Before my biography is considered, it is important to clarify the meaning of a 'reflexive walk' in the context of this study. The general approach I have employed throughout is one of reflexivity. A reflexive approach is different from a research (theoretical,

analytical or philosophical) approach in that it represents a state of mind towards the research process, a willingness to actively engage and question one's own standpoint or lens on the world (May, 2001; Gray, 2004). It requires researchers to continually chart and contemplate their actions "*based on a belief that a researcher cannot be neutral, or objective, or detached, from the knowledge or evidence they are generating*" (Mason, 2002: 7). This involves moving beyond a private reflection and making the grounds of knowledge 'claims' clear for wider scrutiny and judgement (Seale, 1999) which, in turn, leads to debate, modification and improvement in subsequent research endeavours. Indeed, it is this strategic use of reflexivity that is increasingly viewed as the cornerstone of high-quality, rigorous and creative research (Atkins, 2002). Crucially, a reflexive mindset is not "*unbounded introspection or self-fascination*" (Mason, 2002: 5) but focuses

> *meaningfully and strategically on the research itself, and that you resist the temptation to use your research to showcase ego-centric or confessional tales about yourself, which may do little to illuminate your research practice or problem* (Mason: 2002: 5)[38]

Whilst this critical self-reflection framed the research process, it is this chapter in particular that demonstrates and makes visible the researcher's reflexivity by detailing the theoretical, ontological and epistemological underpinnings of the research design, the ethical and political context, and the values and assumptions of the researcher that shaped the research strategy (Hammersley and Atkinson, 1995). It is these values, assumptions and motives of the researcher that the chapter now discusses.

4.3. Setting the scene: research beginnings

4.3.1. Why business and human rights?

Denzin and Lincoln remind us that behind every research endeavour "*stands the personal biography of the researcher, who speaks from a particular class, gendered, racial, cultural, and ethnic community perspective.*" (2011: 11). It is this personal biography that acts as the filter through which the world is experienced and that which

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[38] There are of course limits to reflexivity, strategic or otherwise. Seale insightfully points out that an entirely reflexive account would require "*superhuman self-consciousness*" (1999: 168).

constructs the research 'field', shapes the ontological and epistemological stance the researcher adopts, and determines what is 'seen' and the types of knowledge generated (Van Maanen: 1979b; Crane, 1999; Mason, 2002; Zalan and Lewis, 2004).[39]

My research 'journey' can be traced back to 2001 when studying for a Masters in Human Rights. During this time I became especially interested in human rights violations perpetrated by, primarily, large private companies.[40] Since this time I have actively constructed the 'field' and research 'problem' in the way I have searched for, and read literature on, the topic and reflected on those areas that I consider of importance and in need of further research. As detailed in the previous chapter, the notable lack of empirical, qualitative and contextual data on the topic has shaped the design and focus of this study. Thus, whilst I have found the research of Ruggie interesting and valuable in the way it highlights surface trends and patterns, I have found myself increasing frustrated by the overwhelming use of large-scale surveys and a quantitative focus. Crane, writing in relation to business ethics, aptly sums up my frustration when he argues that business morality, ethics and social responsibility "*can be regarded as neither objective nor factual, but rather as being given meaning in a highly contextual and subjective sense*" (1999: 244). He also argues that survey instruments are "*in danger of de-contextualising relevant moral issues to the extent that essential layers of meaning are inevitably stripped away and lost*" (1999: 245). It is these layers of meanings, interpretations and perspectives that lie behind the broad statistics that I am interested in accessing and exploring. I also believe that large-scale surveys can oversimplify complex social and ethical issues such as human rights which "*can be interpreted in wildly different ways*" (Crane: 1999: 242).

My research focus has also been shaped by the business sector itself and the confusion that notable businesses and business leaders have expressed regarding the concept of human rights, what it entails and the range of human rights applicable to them (Frankental, 2002; Rice, 2002; Walsh, 2005; Wright and Lehr, 2006). Despite this apparent need from certain business quarters for more clarity on human rights,

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[39] What Frederick (1986) insightfully labels those "*telltale autobiographical fingerprints*" (p. 129).

[40] Previous to this I worked as a social worker which allowed me to put into practice my firm belief in social justice and the protection and promotion of human rights. Note that my social work training also initiated and developed a reflexive and self-critical mindset. For example, a core competence that social work students must demonstrate is that they "*identify and question their own values and prejudices, and their implications for practice*" (Handbook for the Diploma in Social Work, University of Bath, 1999).

Silverman (1998, 2001) highlights the dangers in developing research that targets 'social' problems in terms of the vested interests from those having defined such problems. However, he also suggests that by replacing why' questions with 'how' (how do companies navigate the terrain of human rights) opens up new avenues for thinking about the 'problem'.

The final piece of my biography that is important to disclose at this point is my personal standpoint regarding human rights. I firmly believe, not only in the concept of human rights, but also that its protection and promotion is compulsory and unavoidable for "*every individual and every organ of society*" (UDHR, 1948). Thus I take the view that companies and individuals within them are not at liberty to decide whether or not human rights are relevant to them or their company. Furthermore, given the economic and increasing political power of private companies I believe they are, or should be, a positive force in the protection and realisation of human rights as well as contributing towards addressing structural inequalities that lead to their abuse. Whilst this somewhat 'strong' and partisan position is important to disclose and make visible, it is perhaps not unusual in social science research which is often driven by a concern for social injustice (Glazer, 1972; Obara and Robinson, 2011), and even more so in sustainability research given that it is "*intentional, value-based and driven by a desire to contribute to a better world*" (Peattie, 2011: 27).[41]

4.3.2. *"Get your feet wet"*

Armed then with a considerable interest and desire to explore human rights from the point of view of companies, but unsure "*just what about this thing is puzzling to me?*" (Lofland and Lofland, 1995: 78), I decided to carry out some exploratory and unstructured interviews with a small number of companies (or to "*get your feet wet*" as my supervisor eloquently called it). While contacting various colleagues to exploit their corporate links and contacts, I was invited by one associate (from a consultancy firm) to participate in a short-term project they had just been commissioned by, and on behalf

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[41] Similarly, Frederick (1986) argues it is not possible to study business and society relationships in an impartial, neutral or detached manner given the value laden and inherently normative nature of the topic (and even the act of choosing to research in this area is "*laden with normative baggage*" p. 129). For this reason, he argues, researchers must make explicit "*the values at stake*"(p. 126) and "*identify where one stands with regards these values*" (ibid).

of, the UK Government. After gathering more information about the project (for example, its aims and objectives) and discussed it with my supervisors, it was decided that this project provided a timely and useful opportunity to "*get my feet wet*" and help me refine my research focus for the main PhD study.

4.4. Pilot study: human rights in the private sector project (Ministry of Justice)

This project came at an opportune moment, particularly given that I had just started my PhD, but three additional factors also made this an even more appealing and exciting prospect in the context of my PhD study. Firstly, the aims and objectives of the project were broad and not confined to a specific issue, country or sector, thus it aligned well with my original intention to carry out some exploratory interviews. Secondly, the project involved in-depth interviews and it was agreed I could help conduct some of them as well as include additional questions that related to my PhD. Thirdly, permission was given by the Consultancy (TwentyFifty) and the Ministry of Justice (MoJ) to use this data for my PhD. The role I played, as well as my reflections (retrospectively) on this process, is detailed in the following sections but it is necessary firstly to provide some context such as the project's aims and objectives, data collection methods and results.

4.4.1. Project summary

In February 2009, the UK Government's Ministry of Justice department commissioned TwentyFifty to conduct a study on business and human rights following a number of requests from companies seeking clarity on the relevance of human rights and the Human Rights Act in particular. The main aims of the project were to assess the need for advice and guidance on human rights amongst UK businesses, ascertain the level of awareness concerning the Human Rights Act, and establish a dialogue with UK businesses and other stakeholders to determine how companies' needs could best be met and by whom. In addition to these three overarching aims a number of additional research questions were included.

- The level of understanding and awareness of human rights amongst UK businesses.
- To examine the extent of engagement in human rights.
- To explore the approaches taken by businesses to implement human rights within their operations.
- To assess the challenges or concerns companies have in relation to human rights.

The project employed a mixed method strategy, involving an online questionnaire and follow-up semi-structured interviews. Companies were invited to take part in the questionnaire in a number of ways including an online advertisement using key business organisation websites and newsletters (such as the Business and Human Rights Resource Centre and The Confederation of British Industry), an email invitation to a combined database of relevant contacts from the MoJ and TwentyFifty (1743 companies in total), and an email invitation to companies listed on a purchased database of Chief Executives and Managing Directors in companies with more than 300 employees. A total of 167 companies responded to the survey but 62 questionnaires were excluded from the final sample (due to non-completion) leaving 105 completed surveys. Companies were selected for interviews in a number of ways and included responses to the questionnaire, personal contacts of the MoJ and TwentyFifty, and recommendations from the study's Steering Group. A list of 50 companies was compiled representing a cross-section of industries from which 30 interviews were then conducted with those responsible for human rights within their organisations (predominantly managers but also a handful of Executive Board members). Interviews were carried out over the spring/summer of 2009 using a mixture of face-to-face and telephone interviews.

Given the broad aims of the project, the findings were similarly wide-ranging but the main 'headline' results included the following.
- Many companies contribute in a positive way towards the realisation of human rights but their efforts are not branded as such.
- Companies are generally unclear about what human rights are, how human rights are relevant to their business and the value of using a human rights

approach or framework. Many would welcome guidance on these areas but considered further regulation unnecessary.

- Companies predominantly interpreted human rights as employment rights or a supply chain 'problem' overseas (not a UK 'issue').

- The terminology of 'human rights' is not commonly used by UK businesses.

- The leadership of one or more key individuals was a major determinant in whether and how human rights were considered in the business.

- A high awareness of the UK Human Rights Act exists but based largely on media coverage and was generally viewed as applying to the public sector only.

- The level of engagement varied considerably with larger companies having a much broader understanding of human rights than small and medium sized companies. The latter viewed human rights predominantly as employee rights or did not see human rights as a concern.

- Large companies were more likely to have a human rights policy in place and made attempts to integrate human rights concerns within the core of their business. However, there was also evidence of a gap between policy and practice on human rights in some large companies.

The project's final report was published online in October 2009 and a feedback event took place in November 2009 to disseminate the findings to the study's participants as well as gain their views on the next steps the UK Government should take to build on this project.

4.4.2. Roles and reflections

My role in the project was extremely varied and I carried out a number of different tasks to help deliver the project (in exchange for access to the interviewing process and data). The bulk of my involvement, in terms of working full-time on the project, occurred during the early to mid-phases and involved the following:

- Assisted in developing the questionnaire[42] and interview questions (see Appendix 3 and 4 respectively);

- Preparing for fieldwork such as inviting companies by telephone to complete the survey (nearly 600 companies) and setting up the questionnaire online (using Survey Monkey);

- Carrying out interviews alongside TwentyFifty (10 in total);

- Transcribing interviews and producing a synopsis of each; and,

- Conducting some initial analysis of survey and interview data.

Alongside this I took part in weekly project team meetings (via telephone) and attended several meetings at TwentyFifty's office in Frome (UK). I was not involved in the project's design (such as data collection methods), setting up the interviews (which turned out to be extremely time-consuming), analysing the data (although I was involved in some preliminary analysis), producing the final report or arranging the feedback event.

Reflecting on my involvement in this project, it was an intense and very rewarding phase of my PhD. Whilst it did impact on my PhD in terms of delaying certain aspects (such as a full literature review), I gained a wide range of (unforeseen) skills and experiences, not least in observing the relationship between a major Government department and a consultancy. Furthermore, given that the PhD process is well-known for being a singular and often isolating experience, the opportunity to engage and interact with numerous people from a range of different backgrounds was refreshing and stimulating. There were, of course, many difficult moments (too mainly to detail here) which is, in retrospect, unsurprising given the scale of the project and the very strict time for its delivery. For example, the development of the questionnaire proved to be a particularly difficult process and a number of changes and amendments were made (including last minute) which then delayed its online launch.

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[42] My second supervisor (Dr. Diego Vazquez-Brust) was particularly involved at this point since he had (and still has) considerably experience in survey design, and together we produced a number of mini-reports providing feedback on the questionnaire to both TwentyFifty and the Ministry of Justice (see Appendix 5 for an example of a feedback report).

Ultimately, and most importantly for my PhD, this project represented a perfect opportunity to "*get my feet wet*". It allowed me, through the survey and particularly the interviews, to gain an initial insight of human rights from the perspective of UK companies. It also further solidified my resolve to adopt an interpretivist and qualitative approach for the PhD study, since the interviews, with their focus on 'how' and 'why' questions, revealed the subject matter to be far more complex and multifaceted than had emerged through the survey (which focussed on 'what' aspects at a more generic level). This project thus helped to further refine my research focus in two key ways. Firstly, I wanted to explore certain aspects raised in the interviews further, notably the meanings attached to human rights and the language used within companies. Secondly, I realised it would be unproductive at this stage to focus on a specific aspect - be it one human right, sector, business operation or stakeholder - until more was known about how the processes actually played out within companies (of which we still knew very little). These initial thoughts and ideas were then developed, clarified and refined as I digested the data further, broadened my reading of the academic literature (which included adopting the sensemaking and organising perspective) and discussed it through with my supervisors and colleagues. The proceeding sections detail the outcome of this process and the shape the PhD study subsequently took including the fieldwork carried out and analysis of data.

4.5. PhD study: research aims, philosophy, design and data analysis

4.5.1. Research aims and objectives

As just highlighted, the MoJ project resulted in some preliminary broad research interests that included internal processes, meanings, complexities and 'how' and 'why' questions (in respect of human rights). This, combined with academic reading both before and after the pilot project, resulted in a more concrete research focus, one that aimed to explore ***how a commitment to human rights evolved, developed and unfolded within UK companies from the perspective of those responsible.*** This broad aim was then translated into research objectives that combined a number of specific questions (focussing on particular areas that emerged from the MoJ project) and general themes, areas and topics (to explore the development and underlying processes in how human rights was interpreted and managed within organisations). These objectives were

designed to be purposely broad and open-ended so that it was sensitive to the social context of the study and allowed for new themes and directions to emerge inductively; aspects especially important when studying a field where little is known (Van Maanen, 1979a; Graebner et al., 2012). Thus the study aimed to explore;

- when, how and why companies became aware of human rights;
- how companies (and participants) understood and interpreted human rights;
- the language and terms companies used for human rights[43];
- the content and range of human rights recognised by companies;
- how companies implemented human rights; and,
- what challenges and barriers companies faced during this process.
- (For each objective it was noted: who was involved and why, what type of activities and interactions took place, and what resources were used).

This process based, exploratory and inductive research focus was viewed as requiring a flexible approach and a research design that could effectively explore and manage the specific and more exploratory elements of the research aims and objectives.[44] To this end, a constructivist and interpretivist research approach was adopted and viewed as the most appropriate strategy given its flexibility and ability to capture detailed, rich and complex data as well as its focus on how the social world is constructed, interpreted, and experienced (Schwandt, 1994; Blaikie, 2007). To complement this research approach, a sensemaking and organising perspective was adopted as the study's analytical framework. This helped not only to explore and structure the data, but it aligned well with the broader research approach given its emphasis on context, micro-level processes and meaning construction (Weick, 1995; Nijhof and Jeurissen; 2006). The chapter now considers the research philosophy underpinning the study in more depth and in doing so illustrates this approach to be particularly suitable ('fit for

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[43] As stated above, the issue of language used within companies when referring to human rights surfaced from the MoJ project and represented an area I especially wanted to explore further. This is not to suggest that language was explored for its semiotic, structural and linguistic features. Indeed, Alvesson and Karreman (2000) highlight that too often researchers refer to discourse and/or discourse analysis in a vague and incoherent way "*used to cover up muddled thinking or postponed decisions on vital analytical matter*" (2000: 1128). With this (warning) in mind, this study approaches language (not discourse) more broadly and in a general sense by investigating the vocabulary respondents used with immediate colleagues and with others in the organisation, and specifically whether 'human rights' was a term they or the company used.

[44] As Gilbert argues, the research design or theoretical framework should always "*allow for surprises*" (2001: 11) and not constrain or pre-determine what researchers will find.

purpose') for exploring the process by which companies conceptualised, recognised and responded to human rights concerns from the perspective of those involved in the process.

4.5.2. Research philosophy

> *The conceptual framing of any piece of research tends to be heavily influenced by the disciplinary background and epistemological starting point of the researcher* (Franklin and Blyton, 2001: 6)

The view of Franklin and Blyton (above) is one shared by numerous scholars in the research methods field (such as Starkey, 1990; Mason, 2002; Zalan and Lewis, 2004; Jennings, 2005; Denzin and Lincoln, 2011). Indeed, as I argued earlier, the personal biography of the researcher acts as a powerful lens on the world and the ontological and epistemological standpoint that is adopted. Seale, in contrast, argues that it is not necessary to subscribe to a particular philosophical or epistemological position, and that "*researchers can use methodological debates constructively in their research practice without necessarily having to 'solve' paradigmatic disputes*" (1999: 3). Despite these different positions, (or standpoints even), most scholars agree that a number of assumptions, or "*preoccupations*" as Bryman calls it (2008: 74), are associated with different approaches, as Morgan and Smircich eloquently argue;

> *the choice and adequacy of a method embodies a variety of assumptions regarding the nature of knowledge and the methods through which that knowledge can be obtained, as well as a set of root assumptions about the nature of the phenomena to be investigated* (1980: 491)

It is important, therefore, as part of a reflexive approach, to make clear the 'preoccupations' associated with any given research paradigm and its political, theoretical and philosophical implications (Seale, 1998). As noted earlier, the "*mode of engagement*" (Crane, 1999: 238) this study adopted to explore how a commitment to human rights developed within UK companies was constructivism (ontology) and interpretivism (epistemology).

Whilst social constructionism lacks a concrete definition, a number of common threads are said to exist. Firstly, this ontological stance is one that views the nature of reality,

truth and knowledge as the product of subjective and intersubjective experiences, interactions and construction processes (Schwandt, 1994), and the positivist premise of an independent, objective and measurable social reality is rejected. Individuals are thus viewed as complex and autonomous beings who are constantly engaged in processes of sensemaking and interpretation, actively constructing their social worlds and realities (Berger and Luckman, 1966; Burr 2003). Central to this perspective is that meanings and knowledge are socially constructed through a process of social exchange and interaction between individuals and groups (hence an emphasis on language). Multiple realities and interpretations of the same event co-exist, are locally, culturally and historically contingent, and in a continuous state of flux and negotiation (Guba and Lincoln, 1994). This is not to imply a type of extreme or strong social constuctivism. Indeed, this study recognises that objective elements or realities can exist, external to that of individual cognition, but only in the sense that it is the product of social construction (processes) itself. Thus people shape and are shaped by their environments (Weick, 1977/2001; Weick, 1995; Weick 2003).

For social constructionists, social reality can only be understood through studying the subjective interpretations and meanings constructed by individuals. The epistemological stance is thus one of interpretivism (Burrell and Morgan, 1979), in which the goal is to develop an in-depth understanding, a *Verstehen*, of the social world (the phenomenon under study) by examining the construction and interpretation of that world by its participants typically in the environments in which this occurs (Bryman, 2008). The researcher's role in this process is neither neutral nor objective; rather, as actors in the social world they play an active role in the construction of knowledge (Hammersley and Atkinson, 1995). Data is not simply 'collected' or 'discovered' but 'produced', reflecting the collaborative efforts of the researcher and subjects of the study (Holstein and Gubrium, 1995, 2004). Methods (of data collection) associated with this approach are more naturalistic, qualitative, inductive and flexible, and include ethnography, observations, depth interviews, focus groups and case studies as well related data analysis techniques of discourse, narrative and hermeneutic analysis (Coffey and Atkinson, 1996).

Given these core elements of the constructionist and interpretivist research paradigm, this research philosophy is considered a useful and effective 'mode of engagement' to

uncover how UK companies gave meaning to human rights within the corporate setting (from the perspective of those involved in the process). Indeed, the importance of context to the social constructionist perspective is particularly beneficial for studying organisations (Marschan-Piekkari et al., 2004), and as Miller et al. argue, "*complexity and context are placed at the centre of qualitative social scientific research on organisations. Context is stressed, not stripped*" (2004: 332). It is this emphasis on context and complexity that represents the strength of this perspective and one that can effectively capture the process by which companies and its members construct, negotiate and give meaning to human rights within the corporate setting.

4.5.3. *Research approach and design*

As just highlighted, the overarching approach this study adopts is that of social constructionist (as the ontological stance) and interpretivism (as the epistemological standpoint). Within this research philosophy, however, a number of different approaches exist, each stressing or focussing on different elements. For example, Flick, et al. (2004) identify three main theoretical branches, that of phenomenology, ethnomethodology and structuralist, whilst Denzin and Lincoln (1994) highlight four interpretive paradigms; positivist-postpositivist, constructivist-interpretative, critical, and feminist poststructural. It is the constructivist-interpretative branch (of Denzin and Lincoln's classification) that this study views as most suitable with its focus on subjective meanings and interpretations, 'thick' description, meaning construction processes and flexibility (of research design).[45]

To explore, then, the process by which a commitment to human rights developed within UK companies (and from the perspective of those involved), qualitative methods were viewed as most appropriate, and are methods that align well, or are associated, with the constructivist-interpretative approach. This label, however, is a problematic one, as Van Maanen points out.

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[45] Note that the constructivist-interpretative branch identified (constructed) by Denzin and Lincoln encompasses both the phenomenology and ethnomethodology approaches of Flick. Given that this study includes elements of phenomenology (subjective meanings and sense attributions) and ethnomethodology (the process of meaning construction), Denzin and Lincoln's 'constructivist-interpretative' label represents a better description to use.

The label qualitative methods has no precise meaning in any of the social sciences. It is at best an umbrella term covering an array of interpretive techniques which seek to describe, decode, translate, and otherwise come to terms with the meaning, not the frequency, of certain more or less naturally occurring phenomena in the social world (1979a: 520)

A range of qualitative methods were considered for this study, each designed to elicit, or 'come to terms with', meaning in some form. After careful considerable, in-depth interviews were selected for the study owing to their appropriateness and 'fit for purpose' in exploring the main areas of interest. Given that interviews are one of the most commonly employed methods in qualitative research (Fontana and Frey, 1994; Fielding and Thomas, 2001; Holstein and Gubrium, 2004) it calls for additional effort on the part of researchers to justify its use. Indeed, such is their ubiquitousness in social science research that Bechhofer and Patterson suggest that interviews should be selected as the last resort "*until all alternatives have been carefully and, above all, imaginatively considered*" (2000: 57).

In response to this viewpoint, the study adopted interviews as its method for data collection for three main reasons. Firstly, interviews are well-known for their ability to capture and explore subjective meanings and interpretations of participants particularly as articulated in their own words (May 2001, Warren, 2001). This is especially important for this study given its focus on key individuals, predominantly managers, responsible for developing the human rights approach (or response) within companies. Using interviews, thus, provides access to their personal views, thoughts and experiences as well as to the broader 'social world' of the organisation including the formal meanings adopted and the generic processes involved. The second key reason interviews were selected is a practical one. Despite the time-consuming nature of arranging interviews (for the researcher that is) they do not require considerable effort or involvement on the part of respondents in relation to other qualitative methods (such as case studies or in-depth field studies). This is especially important for the study's sample - companies and managers – given the pressures and demands they are likely to be under (such is the nature of the corporate world) and are therefore more likely to agree to an interview than other qualitative methods. The final reason for employing qualitative interviews, particularly crucial for this study, is their considerable flexibility and adaptability in meeting a variety of purposes (Fielding and Thomas, 2001). Aware

of the range in interview types, a semi-structured format was selected as the most appropriate for this study's aims given its mix of specific questions and exploratory aspects. Using semi-structured interviews therefore allowed the study to address specific elements that emerged from the MoJ project, as well as explore more general themes or topics relating to the process of human rights development within companies. This exploratory element is especially important for areas where little data exists, such as the business and human rights field, and will allow new themes and directions to emerge inductively.

As with any data collection method, there are a number of drawbacks. The first major limitation concerns using participants and their interview accounts to explore company level processes (Crane, 1999; Gummesson, 2000; Macdonald and Hellgren, 2004). This stance assumes participants not only have sufficient knowledge of their organisations (beyond that of their specific area or function) but that their accounts can be free from personal opinions and views. When considering these limitations, the learning gained from the MoJ project was particularly drawn on. Firstly, the interviews showed that respondents displayed an extensive and broad knowledge of their organisations including its aims and objectives, corporate hierarchy and business operations. According to Dutton et al., (1997) this is a particular characteristic of 'middle managers', given their intermediate positioning between Board level and the rest of the organisation. This unique position affords middle managers not only a broad overview of the organisation but they *have their hands on the 'pulse of the organization'* (Dutton et al., 1997: 407), more so than senior management (Macdonald and Hellgren, 2004). In terms of personal views permeating (and biasing) access to organisational level data, again the interviews for the MoJ project illustrated that participants very carefully selected their unit of analysis, as well as their language in general. Respondents were explicit in who or what they were referring to and/or whose 'voice' they were using, be it their own ("*personally*", "*speaking for myself*"), immediate colleagues ("*my team*", "*this department*"), organisation ("*the company*", "*we think*") or others ("*the CEO believes*", "*employees think*"). Based on these experiences, it is argued that access to the 'social world' of the organisation can be achieved through participant interviews (particularly middle managers) and that their accounts can encompass a range of 'voices' and/or reference to different organisational levels.

Another major drawback of interviews is the potential for social desirability bias given the difference in status and power between a PhD student and business managers. As highlighted in the business management (Golden, 1992; Bryman and Bell, 2003; Macdonald and Hellgren, 2004) and elite interviewing literatures (Odendahl and Shaw, 2001; Welch et al., 2002; Zalan and Lewis 2004; Rice, 2010), researchers may find it difficult to be taken seriously and feel unable to ask penetrating questions or challenge participants, thus compromising the type and quality of data collected (and in my case, being able to reach beyond the 'corporate veil' and explore the true nature of the business reality in relation to human rights). Whilst these limitations are valid and insightful it is anticipated that my biography will go some way towards reducing the likelihood of social desirability bias as well as the power imbalance between participant and researcher. Give my status as a doctoral student and a young(ish) female, it is likely that managers will view me as non-threatening. Indeed, the (somewhat lowly) 'student' status could be a useful label by making participants feel more relaxed and thus more open and frank than otherwise would be with a journalist or a university Professor for example. In addition to biographical features, Welch et al. recommend that researchers stress their academic neutrality and credentials as well as consider the interview as an "*intellectual discussion*" (2002: 625). They also suggest researchers adopt the role of an 'informed outsider' (rather than business-like insider), such that by gaining knowledge about the organisation before the interview can signal to participants the researcher is not a novice (with regards the organisation) thus helping to reduce power imbalances.

The final limitation of the data collection method concerns the specific *mode* of qualitative interviewing - in this case the use of face-to-face and telephone interviews. From the outset, the PhD study intended to use face-to-face interviews at respondents' place of work or location of their choosing. This was explained to companies in an email when invited for an interview, and whilst most agreed a minority requested a telephone interview (4 out of 19 interviews). This was not considered a major obstacle or drawback of the study since I had conducted three telephone interviews for the MoJ study and found them to provide high-quality data. That I wanted to use face-to-face interviews for my PhD was simply down to personal preference, and not, as qualitative research texts often suggest (Novick, 2008), because telephone interviews are considered an inferior method or provide data of poorer quality compared with face-to-face interviews. Indeed, the small number of studies that have compared telephone and

in-person interviews suggest there are no significant differences in terms of the themes covered (Irvine, 2011) or the quality and depth of data collected (Sturges and Hanrahan, 2004). There are, however, a number of well-known drawbacks associated with telephone interviewing, mainly that it is difficult to develop a rapport with participants, that researchers are not able to take into account respondents' visual cues and nuances (such as non-verbal communication), and the context of the interview setting is not accessible (Carr and Worth, 2001; Shuy, 2001; Opdenakker, 2006). Again, due to my involvement in the MoJ project I did not consider these limitations as hugely problematic or insurmountable. For example, I knew that reiterating the purpose of the research (albeit in broad terms) at the beginning of the telephone interview alongside anonymity and confidentiality assurances (not forgetting general 'chit-chat') would help develop a rapport with participants. Also, whilst some *in situ* data is lost, the study's focus on meanings, sensemaking, experiences and processes is such that complete immersion in the field is unnecessary (as with an ethnographic study) and telephone interviews can provide data that can effectively address these areas of interest.

4.5.4. *Sampling and data collection*

> *Fieldwork is an adventure. Like any adventure, before we begin we will have many anxieties. We cannot foresee all the challenges we will face, nor the outcome of our endeavours - the best we can do is to prepare for the adventure as thoroughly as conceivably possible* (Scheyvens and Nowak, 2003: 114)

Armed with a research focus, a (flexible) research design and a data collection method, the next step involved selecting the sample and carrying out interviews with companies. The MoJ project had highlighted the considerable time-consuming nature of accessing companies, securing consent and finding the 'right' person to interview within them (not to mention then arranging and carrying out interviews). For this reason, the study's sample was based on responses to the questionnaire of the MoJ project. The advantage of this was threefold. Firstly, since the questionnaire collected the name, job title and email address of respondents, they could be contacted directly thus saving considerable time (trying to find whom to contact within companies) and leading to a better response rate. Secondly, the survey provided details on the 'what' aspects of human rights which could be used when preparing for the interview and/or to explore particular 'standout'

aspects in further depth.[46] Related to this, the final key reason was to use the questionnaire data to select companies for interviewing and to reduce the sample into a manageable number.

Before further action was carried out to reduce the sample size, consent was given by TwentyFifty and the MoJ to use the questionnaire to access companies as part of a separate PhD study. A project proposal was then submitted to Cardiff Business School's Ethics Committee who approved the PhD study and fieldwork plans (see Appendix 6).

As highlighted earlier, the questionnaire (from the MoJ project) received 105 completed responses from UK companies. To reduce the size of this sample for interviewing purposes, companies were assessed using their completed questionnaires. The selection criteria was determined and driven by the study's aim (that of how a commitment to human rights evolved, developed and unfolded within UK companies). Thus in order to fully explore this aim it was necessary to select companies that had reached a certain level of development with regards human rights, preferably implementing human rights commitments to some degree. The study thus adopted a 'purposeful' sampling strategy and, as such, no claims are made regarding the study's representativeness (of the wider population of companies), but is one that ensures the sample selected can effectively address and illuminate the study's main areas of interest (Strauss and Corbin, 1998; Eisenhardt and Graebner, 2007).

Each of the 105 questionnaires were then scrutinised for their suitability for the study and responses to three questions in particular (out of 16) were noted as being important indicators of a company's level of engagement with regards human rights.

1. Has your company developed a human rights policy or position statement that applies to its UK operations?

2. How would you describe your company's approach to human rights in its UK operations?

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[46] This is not to imply that the research used a mixed-method strategy in any formal sense or that a rigorous attempt was made to triangulate the questionnaire and interview data. Rather, as with most research, many different informal sources of information were used (such as field notes, company websites, corporate reports) which complimented the main data-set (in this case interviews), all of which allows the researcher to gain a more holistic impression of the company and phenomenon under study (Cowton, 1998; Forster, 2006).

3. Please indicate whether your company has developed specific responses to the following human rights issues?

Table 5 outlines the response options to each question. Those in red text indicating 'positive' answers (in terms of the type of companies deemed suitable for the study), whilst blue text representing a 'negative' answer (companies viewed as not able to fulfil the research aims and objectives). When a company had a positive answer for all three questions the rest of their survey and also their website were scrutinised to ascertain their 'fitness for purpose' (although with a degree of caution with regards corporate websites, since they do not always reflect internal practices and vice versa). If a company had three negative answers they were rejected outright. Where a company had one or two positive answers a judgement was made as to their suitability based on the survey as a whole and company websites. In addition, one particular survey question was used as a 'back-up' when this occurred; that of "*How do you integrate human rights into the company*?" This question contained 19 response options (such as CEO statements, code of conduct, procurement policies and dedicated CSR or ethics committee), and where a company had ticked more than half that was seen as a positive sign (for the aims of the study).

Based on these procedures a total of 21 companies were viewed as appropriate for the study and were invited by email to an interview. A PdF file was attached to the email providing information about the study, including its purpose, duration of interview, anonymity and confidentiality details, data management measures and example interview topics (see Appendix 7). Assurances were made in the email that whilst their details had been obtained from the survey (of the MoJ project), the interview was being conducted for a separate doctoral study and the data from which would not be shared (with the MoJ particularly). Of the 21 companies then contacted, 12 agreed to an interview and a consent form was sent to respondents to complete before the interview (see Appendix 8).[47]

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[47] One company responded to the email but before deciding whether to take part wanted to know what the 'USP' of the study was. After googling 'USP' to find out what it meant ('Unique Selling Point') I emailed back a response upon which they then declined an interview!

Table 5. Survey Questions Used to Select Companies for Interview

Questions	Questionnaire Response Options
Has your company developed a human rights policy or position statement that applies to its UK operations?	• Yes, a standalone policy on human rights • Yes, a public position on human rights • Yes, but no formal written policy • No but we have integrated human rights into relevant policies • No we have not integrated human rights into our policies
How would you describe your company's approach to human rights in its UK operations?	• We seek to meet the expectations of our stakeholders (e.g. investors, customers) with respect to human rights • We do not have a particular focus on human rights beyond meeting all our obligations under employment legislation • We have put in place rigorous practices and systems to identify and manage risks related to human rights • In some areas of the business, we have identified opportunities that meet the needs of the business and contribute to human rights • We look for opportunities throughout our business for ways that contribute to realising human rights • We seek to be a champion for human rights where we operate • We do not see human rights as an issue for us
Please indicate whether your company has developed specific responses to the following human rights issues? *(15 human rights in total including OHS; Privacy; Discrimination on grounds of gender, race, disability, age, sexual orientation; Harassment; Bribery and corruption; Forced and Child labour).*	• Not relevant • No specific action • Yes and developing action plan • Yes and action plan in place • Yes and comprehensive management system in place • Yes and externally recognised for work on this issue • Yes, we seek to lead others on this issue

Alongside the selection of new companies, a decision was made to contact again the ten companies interviewed as part of the MoJ project. The rationale for this was essentially an opportunistic one, in that a relationship and rapport (it was hoped) had been established previously, thus they were more likely to agree to another interview. It would also allow 'gaps' in information to be addressed as well as explore further

particular interesting or salient points that had emerged from the first interview.[48] Of the ten contacted, seven agreed to an interview and of the remaining three, one company declined, one respondent had left the company, and another respondent had changed roles within the company and forwarded the email to their replacement (who did not respond). The PhD interviews took place during the winter of 2010-2011. The interviews were conducted using an interview guide which reflected the semi-structure interview format (see Appendix 9). Thus it included questions which aimed to examine specific aspects that surfaced from the MoJ project, as well as more general themes, areas and questions to explore the process of human rights development within companies. It was crucial that this format remained open and flexible, thus no particular emphasis was placed on the order of the topic guide and participants were free to frame the questions and discussion as they wish, thus allowing new themes and directions to emerge inductively.

To summarise, a total of 22 companies were involved in this study: 10 from the MoJ project (with 7 companies interviewed twice) and 12 additional companies for the PhD study. A total number of 30 participants were interviewed: 18 from the MoJ project (with 7 respondents interviewed twice) and 12 for the PhD study. Table 6 provides details of the companies and respondents interviewed including sector, respondent title and gender, and year of interview (for MoJ and/or PhD study). Those marked with a (T) after the date were interviews conducted by telephone and all others were conducted in person at the respondents' place of work. Interviews were digitally recorded (with permission) and most interviews were 60-70 minutes in length, with the shortest being 50 minutes (a telephone interview) and the longest nearly 2 hours (a face-to-face interview). The 'code' column relates to their verbatim quotes in the subsequent three empirical chapters. Tables 7-9 provide sector distribution, gender and location of interviews. In terms of sector, a wide range of industries were represented in the study which is viewed as particularly beneficial in that it allows some cross sector comparisons to take place. The tables also show that more female participants took part and most interviews were conducted in London. Not represented in a separate table are the titles and positions of respondents given their diversity and range (and thus difficult to condense into suitable categories). Despite the different titles used, many participants (20 out of 30) were in dedicated functions such as CR, CSR and Community Relations.

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[48] As highlighted earlier, the research aims of the Ministry of Justice project were broad but certain areas were not covered or addressed in depth that the PhD study wanted to pursue particularly the trigger(s) for noticing human rights and what activities were carried out, when and by whom.

Table 6. Overview of Company and Respondent Interviews

Sector	Code	Position / Title	Gender	MoJ interviews	PhD interviews
Retail and Consumer Goods	RTa	UK Ethical Standards Country Manager	M	2009	2010
		Ethical Standards Officer	M	2009	N/A
Manufacturing, Engineering	MEa	CR Manager	F	2009	2010
Business Services, Legal, Recruitment	BSa	Senior Manager, Climate Change and Sustainability	F	2009	2010
Infrastructure and Utilities	IFa	CR Manager	M	2009	2010
Transport	TRa	Group Company Secretary	F	2009	N/A
		CR Manager	F	2009	2010
Retail and Consumer Goods	RTb	Director CR	F	2009	N/A
		CR Manager	F	2009	2010
Business Services, Legal, Recruitment	BSb	Director of Corporate Assurance	M	2009	N/A
		Head of Social Responsibility	F	2009	2010
IT, Electronics and Telecommunications	TCa	Head of Policy & Strategy on CSR for Procurement	F	2009(T)	N/A
		Policy - Internet	M	2009(T)	
		Human Resources	F	2009(T)	
Hotels, Restaurants and Catering	HCa	Managing Director	M	2009(T)	
Transport	TRb	Head of Corporate Communications	M	2009(T)	
		Head of Customer Relations	F	2009(T)	
		Human Resources Director	F	2009(T)	
Extractive	EXa	Social and Community Development Manager	M	N/A	2011
Transport	TRc	Group Health and Safety Manager	M		2010
Business Services, Legal, Recruitment	BSc	Partner	F		2010
Extractive	EXb	Corporate Citizenship Manager	F		2011
Manufacturing, Engineering	MEb	Group CR Manager, Commercial Integrity	F		2010(T)
Extractive	EXc	Head of Human Resources	M		2011(T)
Transport	TRd	Community Team	F		2011
Manufacturing, Engineering	MEc	Director, Group Human Resources	F		2011
Financial Services	FSa	Corporate Sustainability Manager	M		2010(T)
Manufacturing, Engineering	MEd	Community Relations Manager	M		2010
Financial Services	FSb	Group Head CR	M		2010
IT, Electronics and Telecommunications	TCb	CR Manager	F		2011(T)

Table 7. Sector Distribution of Company Interviews

	Number	%
Manufacturing, Engineering	4	*19*
Transport	4	*19*
Business Services, Legal, Recruitment	3	*13*
Extractive	3	*13*
Financial Services	2	*9*
IT, Electronics and Telecommunications	2	*9*
Retail and Consumer Goods	2	*9*
Hotels, Restaurants and Catering	1	*4.5*
Infrastructure and Utilities	1	*4.5*
Total	22	*100*

Table 8. Gender of Respondents

	Number	%
Female	17	*57*
Male	13	*43*
Total	30	*100*

Table 9. Location of Interviews

	Number	%
London	9	*41*
UK (outside London)	4	*18*
Telephone	9	*41*
Total	22	*100*

To provide further background information on the study companies, additional data is provided in Appendix 10 (extracted from the questionnaire data) and includes the number of employees (UK and globally), annual turnover (for 2009), country of operation and company headquarters. By way of a brief summary, the study companies are, on the whole, very large and very successful companies. The majority employ, in the UK and globally, between 1,000-50,000 people with four companies having over 100,000 employees worldwide. The annual turnover of all companies, bar one, was over £500 million with 8 companies of £10 billion plus. The majority (18 companies) had operations in more than one country, with 14 companies operating in more than 11 countries and 3 companies in over 100 countries.

Whilst it is important to remember that this study does not adopt a quantitative approach, these statistics are outlined here to provide an overview of the (anonymised) study companies to provide context and a sense of who the respondents work for (the context they operate in). It therefore contextualises the experiences and issues selected and discussed in the three empirical chapters that follow. Furthermore, it tells us something about the type of companies that have formally recognised human rights and

then taken further action (as well as in other areas as indicated by their titles, such as CR and CSR), namely extremely wealthy, multinational UK companies.

Reflecting back on this data collection 'adventure' it was, along with the MoJ project, an intense and extremely rewarding phase of my PhD. Certainly, it was the most enjoyable period of the entire study (probably due to being 'out and about' rather than office based). The process, especially when compared with the MoJ project, was fairly straightforward and uncomplicated (it all seemed to go to plan!). This is not to imply that arranging, preparing for and conducting interviews is other than a time-consuming process; indeed, it was far more time consuming (and tiring) than I had realised, but again far more rewarding as well. In reflection, perhaps too many interviews and companies were included in the study especially given that an element of the research was designed to be inductive and exploratory (and the considerable amount of data, especially 'messy', this generates). In this respect I may have been influenced by my previous experiences of conducting quantitative research, where the success of a project is often determined by its response rate. Thus I felt it necessary to reach a certain number of companies (the minimum threshold being 20), but as Mason quite rightly states, the sampling strategy in qualitative research is guided by "*how to focus, strategically and meaningfully, rather than how to represent*" (2002: 136), and that researchers should ask whether the sample "*provides access to enough data, and with the rights focus, to enable you to address your research question*" (2002: 134). In hindsight, therefore, the number of companies could have been reduced whilst still providing 'enough data' to effectively explore the research aims without losing the essence of the findings and conclusions.

In terms of the three limitations associated with qualitative interviewing outlined earlier, they did not present any major difficulties (as far as I can tell). Firstly, the interview accounts were able to provide data on company level processes given that all respondents were middle managers and had an extensive knowledge of their organisations (a 'bird's eye view' as one respondent called it). Thus the study was able to collect data about company level practices as well as respondents' personal views, experiences, challenges, and the like. Secondly, in terms of telephone interviews, I found them a very effective method of interviewing and, although shorter in duration, yielded excellent data on meanings, processes, motivations and experiences (which

were the focus of this study). Moreover, the two main advantages of telephone interviews – that of cost-effectiveness and access to hard to reach places (Shuy, 2001; Stephens, 2007; Novick, 2008) – meant that I was able to interview two respondents in Scotland and one in Northern England (which would not have otherwise been possible). I have learnt that, along with researchers who have adapted their research to include telephone interviews (such as Sturges and Hanrahan, 2004; and, Stephens, 2007), they represent a valid data collection method for qualitative research and will consider making more use of them in future (dependent, of course, on the needs and objectives of the research).

The final limitation highlighted earlier, that of social desirability bias and difference in status, I did not sense any power imbalances either on my part or respondents.[49] I am not aware that my behaviour changed in any particular way, such as trying to please respondents or avoided asking them difficult questions. The interviews, for me, felt more relaxed than the MoJ project which could be due to my student status and other biographical features. It could also be due to the assurances I made to participants in the invitation email and at the beginning of the interview that neither they nor their companies would be named in the study and verbatim quotes could not be attributed to them. Certainly I was surprised by how frank and open some respondents were about their experiences, struggles and frustrations which would indicate that, for them, they were relaxed and did not consider themselves to be the expert in the room. Indeed, one respondent expressed the difficulties they were experiencing with implementing their company's sustainability policy and asked if I could recommend practical guidance material (which I then sent the next day via email). Two respondents also asked for my advice regarding human rights dilemmas they were facing at the time. Again this indicates that any power imbalances were minor. Also I found these questions slightly awkward in that as the 'academic' (in training that is) I was expected to have the 'right' answer. This also felt 'strange' since the purpose of the interview, in my mind, was to access their (and the company's) interpretations, meanings and views of human rights, and that as the 'informed outsider' it was not my place to express personal opinions. On reflection, and given that researchers will invariably gain more from research than the

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[49] That I did not sense any power imbalance between myself and participants does not imply that power issues were not present or not sensed by respondents. Indeed, it could be due to my human rights background in that I consider all individuals as my equal and rarely do I feel that someone has more (or less) power than myself.

study's subjects (Glazer, 1972; Hertel et al., 2009), the discussion I had with both respondents about their human rights predicaments, it is hoped, helped them to make some sense of the situation and by doing so this is one way that I can 'give back' to respondents.

4.5.5. *Data analysis and interpretation*

As argued by many, whilst qualitative research often reports in great detail the sampling method used and/or data collection process, there is often a notable lack of information on how the data was analysed (Spiggle, 1994; Lillis, 1999; Zalan and Lewis, 2004; Crang and Cook, 2007; Pratt, 2009). As a result, "*readers are left questioning the extent to which propositions raised by the researcher are supported by the data*". (Lillis, 1999: 87). Indeed, according to Crang and Cook, this is the cornerstone of a thesis, such that "*everything hinges on it*" (2007: 132).

With this in mind, the purpose of this section is to provide an "*audit trail*" (Lillis, 1999: 87) of the steps taken to systematically analyse the data and to show the "*chain of evidence*" (Pratt, 2009: 859) for the interpretations and conclusions. To further enhance the quality and trustworthiness of this study, a framework was employed to facilitate and show the course of the data analysis process. This protocol consisted of three overlapping components. Firstly, Miles and Huberman's (1994) three stage process of data reduction, display and conclusion provided the 'frame' of this framework. Within this, the study employed the methods of first- and second-order analysis (Van Maanen, 1979b; Gioia and Chittipeddi, 1991; Corley and Gioia, 2004) along with a number of grounded theory techniques used at different stages of the analysis process such as coding and constant comparison.[50] Diagram 6 provides a map showing the application of this framework to the study's data. In summary, whilst the range in data analysis methods are noted (Coffey and Atkinson, 1996; Silverman, 2001), the goal of this framework, and the data analysis process in general, is to explore respondents' subjective meanings and "*discern meaningful patterns within thick descriptions*"

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[50] Whilst this study did not adopt a grounded theory approach, many of its core methods and processes have become commonplace in qualitative data analysis (Coffey and Atkinson, 1996; Bryman, 2004) and this study has also found them useful.

(Warren, 2001: 87) in relation to how a commitment to human rights developed and evolved within UK companies.

Diagram 6. Audit Trail of the PhD Data Analysis Process

		Miles and Huberman	First- and Second-order	Grounded theory techniques
1	Company interviews data-set			
2	Interviews transcribed in full and printed			
3	Interviews read in full without note making	Data Reduction	First-order analysis	Open coding
4	Compiled human rights trajectory ('story') for each company			
5	NVivo used to code patterns and themes using participant (emic) categories			
6	Constant comparison of codes and themes to clarify and refine. Moving to epic researcher categories and interpretations			Constant comparison
7	Table of key findings and potential linkages by human rights development within companies	Data Display	Second-order analysis	
8	Recontextualised and reordered themes by Weick model. Further constant comparison of codes and themes. Use of model to link data to existing categories and constructs	Making conclusions		Constant comparison

It is important, as the first step in the 'audit trail', to clarify what "*counts as data*" (Mason, 2002: 37). A wide range of sources were collected as part of this study, including interviews, field notes (of observations, off-tape conversations), research diary entries (of the researcher), company summaries (corporate structure, staff numbers, etc.), company documents[51] and memos. However, the interviews conducted with company representatives represents the main data-set of this study and are the

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[51] This source in itself consisted of a large amount of data as collected during fieldwork. It included official corporate documents such as reports (annual reports, corporate responsibility reports) and formal policies (human rights, environment, code of conduct), as well as unofficial, internal company documents such as magazines, reports, policies, surveys and newsletters.

focus of the analysis techniques detailed here. This is not to dismiss the important role that other sources played, such as providing additional context to each case, but the findings and conclusion of this study were based on the interview data due to its richness and deep coverage of the study's areas of interest. It is important to highlight also that the interviews conducted for the MoJ project (10) and the separate PhD study (12) were combined, treated and analysed as one data-set. As mentioned above, seven companies from the MoJ project were interviewed again, and whilst three companies declined to be interviewed for the PhD study, these (three) have been included in the data-set given that the aims and objectives of the MoJ project were also broad. Where data is missing from these three cases (such as the cause of their initial interest in human rights), no attempt was made to 'guess' or to extrapolate information from other sources (such as company websites or reports).

As stated earlier, all interviews were digitally recorded and a total of 29 interviews were transcribed in full (10 from the MoJ, 12 from the PhD study and 7 who were interviewed again). Two transcripts are included in the Appendices by way of examples, representing interviews conducted for each project (see Appendix 11 and 12). The transcripts were also sent to those respondents (five in total) who indicated they wanted a copy to check its contents (but no further comments or points of clarification were then received).

Once the 29 interviews had been transcribed,[52] they were then printed and read in full without any note making or sections highlighted. The purpose of this preliminary analysis was to become reacquainted with the data, to 'refresh ones memory' (Crang and Cook, 2007), particularly given that some weeks had passed since the first interviews had been transcribed. This stage also represented the beginning of the data reduction process, defined as "*the process of selecting, focussing, simplifying, abstracting and transforming the data*" (Miles and Huberman, 1994: 10). Although Miles and Huberman consider this to take place even before data is collected, such as the choice of research questions, for the purposes of this study it represents the point at

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[52] This transpired to be an extremely time consuming process, especially given most interviews were over one hour. But it was important to the study that the entire interview was transcribed (rather than certain sections or a summary produced), not only to retain its full context but to ensure that new themes and issues could emerge during the course of data analysis (which might at the time of the transcription be considered irrelevant and thus not transcribed).

which a concerted effort was made to 'come to terms' (Van Maanen, 1979a) with the data in some way.

During the reading of the interview transcripts, it became clear that before any thematic coding could take place it was necessary to compile a summary of each company's human rights trajectory. At this point, each case (as well as the data-set as a whole) appeared to be complex, 'messy' and confusing. Developing summaries was viewed as providing not only more clarity on the human rights process for each company, but for the process as a whole (of all cases collectively). Constructing the 'journey' of 22 companies proved to be very time-consuming,[53] but it provided a deep insight into the complexities and nuances of the human rights 'story' and how this played out within each company. Whilst these were purely descriptive accounts, it triggered a period of intense reflection, and some initial patterns and trends were beginning to emerge as well as stand-out elements that were particularly puzzling. For example, it appeared that the evolution of human rights was related in some way to many companies' corporate responsibility (CR) approach. Almost without realising it, the CR 'journey' had also been recorded for each company as well as human rights. At this stage, however, it was unclear what this meant, (what was the relationship?), but it was certainly one of the early features of the data that had been earmarked as requiring much further reflection and analysis.[54]

Once the company narratives were in place, further data reduction was achieved through coding of the data. This was achieved through the use of NVivo (Version 10). Whilst recognising that debates exist regarding the use, and indeed appropriateness, of CAQDA (Computer-Assisted Qualitative Data Analysis) for analysing qualitative data (Fielding and Lee, 1998), I had used NVivo before, was familiar with it and found it an extremely beneficial way to code and organise the data. Thus each interview transcript was read line by line and recurrent themes and patterns noted but the meaning and

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[53] But an enjoyable process, since it felt like I was 'getting somewhere' with the data, although where this was exactly remained unclear at this point.

[54] This particular stage of the data analysis process highlighted (for me) Hammersley and Atkinson's (1995) point that a close relationship exists between writing and data analysis. As Coffey and Atkinson argue, "*[a]nalytical ideas are developed and tried out in the process of writing and representing*" (1996: 109). This was certainly the case when writing each company's human rights 'story'. Originally intended to be purely descriptive narratives (of the 'facts'), with no real analysis expected, the process of writing actually had the opposite effect. It would appear, then, that writing is indeed a method of discovery (Gilbert, 2004).

interpretation of this was not the aim at this stage. Rather it represented a form of 'open coding', a technique informed by grounded theory (Crang and Cook, 2007), which for this study relates to the first-order data analysis. Coding in this sense was based predominantly on *"informant's first order conception of what is going on in the setting"* (Van Maanen, 1979b: 540) and respondents own words and descriptions were used where possible for code (emic) categories. Of course, coding was not completely 'open' or unstructured at this point and was guided by the study's area of interest as well as initial patterns that had been identified in the previous stage (company narratives). Key themes and patterns identified at this stage evolved around the following emic categories;

- the trigger behind companies interest in human rights;
- the meaning and interpretation of human rights (noting differences in understanding between participant and company);
- the language and terms used for human rights;
- the content and range of human rights recognised and/or prioritised by companies (noting the extent and degree of responsibility);
- the resources used (noting types of information, e.g. text, people);
- the implementation of human rights (including people and departments involved, mechanisms and systems);
- the drivers and pressures for recognising and/or committing to human rights;
- the barriers, challenges, key issues and lessons learnt; and,
- the respondent's role within the company and their day-to-day activities.

The result of this process was an abundance of codes within many different thematic areas, and rather than data reduction it appeared (and felt) more akin to data complication (Coffey and Atkinson, 1996).[55] Thus, to clarify, simplify and better understand the nature and structure of these codes and themes, the constant comparison (grounded theory) technique was used. This involved an iterative process of comparing features within and between codes, moving back and forth with the interview transcripts and the account of each company's human rights trajectory (compiled previously).

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[55] This stage also triggered an 'explosion' of memos (within NVivo) cataloguing my thoughts, views and hunches as to what might be happening in a code or category, noting their confusing and contradictory elements, and their relationship with other codes, themes and ideas as well as academic literature. This function represented, for me, one of the greatest strengths of NVivo and where much of the interpretation and theoretical work took place.

During this process, codes and themes were continuously amended, deleted, merged and developed, leading to a smaller and more refined set. Using this data complication technique represented the move towards the interpretation stage (the meaning of this data); that is, from first-order (emic) respondent categories, to second-order (epic) researcher categories, constructs and concepts. For example, in relation to the content of human rights, the previous open coding stage resulted in a list of human rights that companies had explicitly recognised and assumed responsibility for. This catalogue was then contextualised and examined using the study's conceptualisation of human rights (outlined in the Chapter 2, section 2.3). This consisted of reordering the list of human rights (as recognised by companies) according to those human rights in the UDHR the study identified as best reflecting the three fundamental interests (of autonomy, life and security) essential for "*making a life fully human*" (Nussbaum, 1997: 286).[56] Whilst this reordering process went some way towards second-order analysis, further interpretation was required, particularly what this indicated in light of previous research and the study's areas of interest (for example, did this signify a passive 'do no harm' approach or a more proactive approach encompassing responsibilities for the realisation of human rights).

The next stage of the data analysis process moved towards the interpretation of the data, and tentative links and relationships between the refined codes and themes (developed from the previous stage) were noted and their significance reflected upon. To better understand both the newly refined set of categories and their potential linkages, a table was then developed that attempted to show the key findings in a visual and simplified format. This type of cross-referencing system (or map) equates to Miles and Huberman's second data analysis stage, wherein data is re-organised "*into an immediately accessible, compact form so that the analyst can see what is happening*" (1994: 11). This table proved to be an important development in the data analysis process, in the sense that it helped to 'see' and then reorder the themes (and codes within) according to the development of human rights within companies. Note,

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[56] As highlighted in Chapter 2 (see Diagram 1), the UDHR articles that best represent autonomy are freedom from discrimination (A2), freedom from slavery or servitude (A4), and free to form and join trade unions (A23/4). For life and well-being, they are the right to adequate standard of living (A25/1), right to work, equal pay, just and favourable remuneration (A23/2-4), and right to education (A26/1). Finally, the UDHR articles related to physical security are freedom from torture or cruel, inhuman treatment (A5), to just and favourable work conditions (A23/1), and freedom from arbitrary arrest, detention or exile (A9).

however, that certain elements still remained confusing at this point and had yet to be fully explained (such as the role of language and CR in the process). In producing the summary table, it then became evident that it was similar in structure to the sensemaking and organising process as developed by Weick and his colleagues (2005). Whilst this process is outlined in more depth later, in summary, this model details the different stages that organisations progress through to understand and manage new issues or events (such as human rights in the case of this study). Thus a decision was made to re-order the categories and themes according to this sensemaking and organising process model. In doing so, this represented a type of recontextualisation of the data (Crang and Crook, 2007), and as such a higher level of interpretation was conducted by applying this conceptual framework as an analytical device. The re-organisation of the codes and themes within the three stages of the model resulted in a further phase of data complication in which codes and themes were further scrutinised and compared to tease out the different features and properties within each stage. Again this involved an iterative process between the codes and themes, noting in particular differences and contradictions within and relating back to the interview transcripts, the company case narratives, the study's conceptualisation of human rights, memo notes, and academic literature (particularly Weick's work). The aim of which was "to *have a stable set of categories*" (Hammersley and Atkinson, 1995: 213) which would serve to describe and present the key features and processes within each stage as it related to how companies interpreted and implemented human rights. Whilst it is beyond the scope of this chapter to show the 'audit trail' for each of the stages,[57] Diagram 7 illustrates the process taken for the specific theme of language which formed a key component of the second stage of the sensemaking and organising model. As mentioned earlier, the meaning of this theme and its role within the overall process (of human rights development within companies) was proving particularly difficult. The application of Weick's process model then helped to understand its features in greater depth, resulting in a more abstract level of interpretation and conceptualisation (and thus equates to Miles and Huberman's final process of data analysis, that of making conclusions).

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[57] Indeed, it is this interpretation phase that represents the most difficult aspect to represent in the data analysis 'audit trail', since it is "*playful, creative, intuitive, subjective, particularistic, transformative, imaginative, and representative. Interpretive insights often spring from serendipity*" (Spiggle, 1994: 497).

Diagram 7. Data Analysis Process for the Theme of Language

• Data reduction • Open coding (emic) • First-order themes	• Constant comparison • Second-order themes (epic)	• Sensemaking and organising framework • Stage 2: The interpretation of human rights	
		Properties of sensemaking	• Drawing conclusions • Aggregate dimensions
<u>Human Rights Term</u> 1. Bad press in UK 2. Abuse abroad 3. Government responsibility, not companies 4. Vague, conceptual, and confusing	Human rights term not used = negative connotation	• **Cues** (labels link cues together)	Labels constrain (disorganise) and enable (organise) behaviours because close link between language, meaning and behaviour (action Stage 3)
<u>CR Term</u> 1. Arrange existing areas 2. Communicate CR internally and externally 3. Drive improvement 4. Bind company together	CR term used formally = positive connotation	• **Cues** (labels link cues together) • **Identity** (labels reinforce corporate identity / image)	

4.6. Analytical framework: the sensemaking and organising process model

As highlighted in the previous section, the doctoral study applied a sensemaking and organising perspective, as developed by Weick and his colleagues (2005), to aid the data analysis process. Whilst some have called this a theory and utilised it as such,[58] this research understands it to be a conceptual framework employed specifically as an analytical device which complements and sits within the study's broader intellectual frame (that being human rights). Thus, the conceptualisation of human rights (as outlined in Chapter 2, section 2.3) provided this study's theoretical lens that structured and shaped its design and methodology, and whilst others have used sensemaking in this way (such as Weick, 1990, 1993, 2010; Thomas et al., 1993; and, Maitlis, 2005), this study applied sensemaking and organising specifically as a way to analyse, structure and present the data.

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[58] In addition to a *theory* (Cramer et al., 2006; Nijhof and Jeurissen, 2006; Heijden et al., 2010), sensemaking has been referred to and used in many different ways such as an *approach* (Schouten and Remmé, 2006), a *concept* (Pater and Lierop; 2006; Fassin and van Rosem; 2009; Reis, 2010), a *process* (Maitlis, 2005; Jeong and Brower, 2008), and a *process theory* (Weber and Glynn, 2006).

As the study's analytical framework, the sensemaking and organising perspective assisted in the data analysis process by way of analysing and organising the interview data into meaningful units within an overarching development process. In this final section the sensemaking and organising framework is outlined in more depth and the rationale for its application to the study. A consideration of the framework is 'timely' at this point given its dual function as facilitating the data analysis process (in the previous section) and organising the empirical data to show the process by which a commitment to human rights evolved, developed and unfolded within UK companies (the focus of the next three empirical chapters).

4.6.1. Introduction to sensemaking and organising

In the previous (literature review) chapter, the *sensemaking* perspective was outlined but the *organising* concept as it relates to sensemaking was not. This was intentional, since its purpose was to provide context to the CSR sensemaking literature which has only applied the sensemaking perspective and not sensemaking *and* organising. From this point forward, the study refers to both sensemaking and organising concepts.

In summary, the sensemaking and organising process describes and represents the way in which organisations notice, address, reduce and manage flux (or chaos, disruption) in the environment (Weick et al., 2005). Put differently, organising through sensemaking *and* sensemaking through organising defines, simplifies and structures the unknown. According to Weick et al. (2005) it demonstrates how "*people organize to make sense of equivocal inputs and enact this sense back into the world to make that world more orderly*" (p. 410). Thus an important goal of the combined sensemaking and organising process is to achieve "*the feeling of order, clarity, rationality*" (Weick, 1995: 29).

The relationship between sensemaking and organising is a complex but complementary one. They represent interlocking processes necessary in the management of flux and disorder, so much so that "*Sense makes organizing possible. And organizing makes sense possible*" (Weick, 2001: 95). Despite this intimate and dynamic relationship, the sensemaking component is particularly important in the organising process, in that it represents the "*organizing mechanism*" (Nijhof and Jeurissen; 2006: 317). It is this organising mechanism of the sensemaking concept that plays a unique role in

organisations. Organisations, unlike any other setting, require its members to engage continually in 'the making of sense', be it of their surroundings, the decisions they make or the activities they carry out (Weick, 1995). For this reason *"the quest for meaning in organisational life"* (Weick et al., 2005: 409) is distinctly and considerably different from sensemaking in other contexts, such as everyday social exchanges. For example, organisations by nature are preoccupied by *"the need for accounting, justification, and rationalizing."* (Weick, 1995: 63). This fixation in organisational life of seeking *"explanations of everything including rationality itself"* (Weick, 1995: 64) establishes sensemaking as a pervasive, critical and central organising activity for, and within, organisations (Maitlis, 2005). Moreover it is suggested that sensemaking processes and the creation of meaning play a pivotal role in driving and shaping the process of change within organisations (Gioia and Chittipeddi 1991; Ballard, 2005; Cramer et al., 2006). This is visibly demonstrated in the sensemaking and organising model devised by Weick and his colleagues (2005) and it is this process model (or framework) that the following empirical chapters follow. Each stage is detailed in more depth in the following sections but in summary this framework contains three key stages - enactment, selection and retention - and each stage consists of core sensemaking components which Weick calls the seven 'properties' of sensemaking. These sensemaking properties are central to the sensemaking and organising process and represent generic properties or distinguishing characteristics *"that set sensemaking apart from other explanatory processes such as understanding, interpretation, and attribution."* (Weick, 1995: 17). They also play a crucial role in organisations, in that it is the site where all seven properties are visibly in operation. Table 10 provides a summary of each property's key characteristics; however, to understand how they operate and the role they play in the sensemaking and organising process, it is best demonstrated through its application to a specific case (which the following three empirical chapters aim to demonstrate)

4.6.2. Rationale for applying the sensemaking and organising framework

Whilst a number of frameworks and theories were considered as a way to analyse and structure the data (as outlined later in this section), the sensemaking and organising framework (herein SAO framework or process) was judged to be the most useful model

for exploring the process by which companies conceptualised, recognised and responded to human rights concerns. The rationale for this was threefold.

Firstly, it is a process based conceptual framework. It describes and explains what happens within organisations when confronted with something they find unsettling, causes a state of flux and breaches their *"ongoing flow of experience"* (Weick, 1969: 91). This aligns well with this study's research aims and objectives which endeavour to explore what companies did when 'faced' with human rights for the first time and the process they took to make sense of and organise human rights internally. It is the three stages of the SAO framework that helps to explain, order and show how this human rights awareness and commitment developed within companies.

Secondly, the sensemaking concept (in particular) complements and aligns well with the overall research approach and underlying philosophy (that of social constructionist and interpretivism) given sensemaking's emphasis on context, meaning construction and micro-level processes. Indeed, the main components of sensemaking (as shown in Table 10) clearly reveal the concept's social constructionist roots (most visibly present in the 'enactment' property). Central to this ontological standpoint *and* to the sensemaking concept is the way in which understanding, knowledge and meanings are socially constructed through a process of social interaction and exchange (Guba and Lincoln, 1994; Weick, 1995; Nijhof and Jeurissen, 2006; Blaikie, 2007). For this reason, sensemaking research, including this study, has overwhelmingly employed methodologies and methods associated with the social constructionism paradigm such as field observations, semi or unstructured interviews and case studies (Weick, 1995; Maitlis, 2005; Nijhof and Jeurissen, 2006; Heijden et al., 2010). Whilst the study's research approach and the sensemaking concept are able to capture the complexities and the nuances of the construction and interpretation process, it is the organising component of the SAO framework that then structures and demonstrates how these small-scale processes collectively impose order on the unknown (such as human rights) resulting in more generic organisational processes and structures (as the product of the sensemaking process).

Table 10. Core Properties of Sensemaking

Property	Key attributes
Identity	• Constructing and maintaining an identity represents a core sensemaking preoccupation. • Making sense invokes a person's sense of identity. It generates questions such as what does this (stimuli or event) mean for who I am, who I will be and how others see me.
Retrospection	• Individuals make retrospective sense of events; they reinterpret earlier understandings and discover their own inventions. • History is viewed in retrospect. People reach into the past for experiences, enactments and histories that match and clarify the present.
Enactment	• Action is crucial to the process of sensemaking. • Through action, people create (enact) the environments they are part of. • Environments are socially constructed entities that enable and constrain individuals. People create an external reality and act as though it is real.
Social	• Sensemaking is inherently a social process. • Meaning is constructed, shared, organised and transferred via interaction and social exchanges. • Communication is the basis of sensemaking. People make sense with others through language, particularly that of discourse (talk).
Ongoing	• Sensemaking is an ongoing and continuous process. • Sensemaking never begins or ends: people are always in the middle of sensemaking. People construct starting points retrospectively when they take note of disruptions which then trigger sensemaking.
Cues	• Cues are pivotal in sensemaking. People use cues to develop a broader sense of what is going on. • Context influences what cues are noticed and how that cue is then interpreted. People extract different cues depending on the event (stimuli) that first triggered sensemaking such an unusual, novel or unexpected situation.
Plausible	• Sensemaking is driven by plausibility rather than accuracy. • Beliefs and perceptions that facilitate sensemaking are treated as accurate by individuals. • Sensemaking is about accounts and stories that are socially acceptable, reasonable and plausible. They explain what is going on, energise and guide action, and allow retrospective sensemaking to then take place.

Sources: Weick (1995, 2001), Weick et al. (2005)

The final key reason the SAO framework was adopted for this study is its focus on organisational sensemaking – that is, the sensemaking practices of individuals that constructs and transforms the organisation. As outlined above, sensemaking is a pivotal activity in organisations, so much so that *"both organizations and sensemaking processes are cut from the same cloth."* (Weick, 1995: 82). This dual focus on individual sensemaking *and* organisational sensemaking was considered particularly useful for this study in two respects. Firstly, the SAO framework incorporates multiple levels of analysis (specifically individuals, organisations and the external environment), and given this study's focus on both companies and individuals (within the UK context) it can help uncover how these different levels interact and shape the development of human rights within companies. Secondly, the SAO framework is premised on the idea that sensemaking processes are (or more likely to be) explicit and visible in organisations as opposed to other settings, such as everyday contexts. In this respect, the corporate setting (as one type of organisation) represents a particularly fertile site with which to investigate sensemaking; or rather, it was adopted *because* the focus and context of the study is organisations (companies).

As highlighted earlier, a number of frameworks and theories were considered for the task of analysing how companies made sense of human rights. By way of example, two theories initially considered as potentially useful (that of stakeholder and institutional theories) are highlighted and the reasons why they were rejected outlined. The first approach, stakeholder theory, particularly appealed to this study with its focus on people and relationships (Walsh, 2005): features also central to the human rights concept (Campbell, 2003). Developed from the CSR field itself, this relatively new perspective centres on the idea that companies should consider the needs, interests and views of individuals and groups affected by their operations (Freeman, 1984). At first glance this person-centred approach aligns well with the human rights perspective, but was subsequently rejected on the basis of two in-built assumptions.[59] Firstly, it assumes that companies determine their social commitments by identifying the nature of their

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[59] Note that three prominent scholars in the business and human rights field also highlight major flaws with stakeholder theory, albeit for different reasons than those outlined here. Campbell (2003), for example, notes the lack of a weighting system to assess what interests are legitimate and who will address them. Donaldson (1989) also makes this point and adds that it lacks an explicit moral grounding and justification. Finally, Wettstein (2012a) critiques its narrow emphasis on direct relationships and impacts, arguing that it prevents a focus on broader human rights issues (those that surface beyond companies direct contact with stakeholders, such as poverty or AIDS).

relationship to specific groups and individuals (rather than, for example, identifying issues or commitments first). Adopting this framework would therefore leave little room to explore how companies approach this task more generally, such as what approaches are used, when and for what purpose. The second reason relates to the strategic and instrumental focus that has come to dominate stakeholder thinking in both business practice and academic work (Donaldson and Preston, 1995; Cragg 2002; Margolis and Walsh, 2003; Phillips et al., 2003). This focus, on how individuals and groups *affect* business objectives and performance,[60] subtly but powerfully changes the nature of the relationship, in that by placing corporate interests first it is essentially at odds with the human rights concept (which considers people's rights and interests as of foremost concern).

The second framework that was considered and then rejected was institutional theory. This approach, which has proved popular in organisational studies (Bowring, 2000),[61] focuses on the institutional determinants or conditions that influence the shape, behaviour and dynamics of organisations. Whilst this theory was rejected outright given its macro-level focus, of interest to this study was its newer version or branch, new institutional theory (NI). In contrast to older versions of institutionalism, the NI perspective allows for a more nuanced appreciation of the interaction and relationship between organisations and the macro and micro levels they inhabit (Jennings and Greenwood, 2003). It is this multi-levelled approach that was considered potentially fruitful for this study given its dual focus on company level processes (the corporate approach, implementation and management of human rights) and the intersubjective level (the employees instrumental in bringing about a human rights focus and understanding). In this sense, the NI perspective shares a similar objective with the SAO framework: at the simplistic level they both aim to understand how organisations shape and are shaped by their environments. There are, however, subtle and important differences, two of which led to the rejection of new institutionalism for this study. Firstly, NI theory contains different underlying mechanisms to analyse the relationship between micro and macro levels (Jennings and Greenwood, 2003), whereas the SAO

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[60] It is important to note, however, that this was its intended focus as devised by the field's key author and publication (that of Freeman, 1984), and whilst an important normative branch has since developed that is more in keeping with the human rights concept (with its focus on reciprocal relationships), the instrumental, pragmatic and descriptive branches of stakeholder theory still dominate the field.

[61] Although not in the CSR field according to Campbell (2007), who calls for more theoretical work on the institutional factors that influence the extent to which companies will act responsibly.

framework assumes only one mechanism, that of an evolutionary process (Weick, 2003). It was this emphasis on evolution, process and progression that was judged to align especially well with the aim of this research (that being the development of human rights within companies). Secondly, NI theory is seen as overly focussed on large-scale institutional determinants (in the institutionalising process) and the SAO framework as one that favours small-scale intersubjective features (in the organising process) (Weber and Glynn, 2006; Weick et al., 2005). Despite this representing a weakness of Weick's framework,[62] it is one this study considers an advantage given its aim to explore in detail the internal worlds of companies in relation to how the human rights concept was actually used, interpreted and managed. That is not to say the wider context (social, political, economic) was neglected or dismissed as irrelevant, but rather this surfaces through, and is interwoven within, the subjective meanings, motivations, interactions, relationships and experiences of employees that the study sought to capture.

To recap, the stakeholder and institutional perspectives were initially considered as promising frameworks to explore human rights (within business practice) but were ultimately rejected for certain in-built assumptions (the instrumental and institutional focus of stakeholder and NI theory respectively). But as already highlighted, the SAO framework also rests on certain assumptions, a major one being its evolutionary process. Although Weick stresses its non-linear character, for example he talks of sensemaking cycles and feedback loops (Weick, 1995), the overarching three-stage sensemaking and organising process is depicted as a progression of, and through, different phases. Whilst this provides a useful structure for presenting the study's data, it simplifies what is, according to sensemaking research, a multifaceted, dynamic and complex process, and that in practice people do not always make sense of their experiences in neatly delineated ways. But, for the purposes of this research, it is viewed as the most effective way to show the process at work, and the stages should be thought of as overlapping, such that *"one process shades into another"* (Weick, 1979: 145).

A further drawback of the SAO framework is that by focussing on the sensemaking and organising process as a whole, the study was not able to focus in-depth on the

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[62] Something which Weick denies, arguing that sensemaking and organising (Weick, 1995), and individuals and organisations (Weick, 2003), are inseparable, and his framework explores both simultaneously with equal attention (Weick et al., 2005).

sensemaking processes within each of the organising stages.[63] It is interesting to note, however, that this is in contrast to many sensemaking studies that focus purely on identifying and exploring sensemaking processes[64] (the effect of which is the topic, or the data, of their investigation is in the background). Weick has also recognised that sensemaking research to date has focussed primarily on sensemaking processes at the expense of the content (or 'substance' as he calls it) of sensemaking (Weick, 1995: 132). This is not to suggest that the PhD study makes no claims regarding the processes involved but it is very difficult to explore comprehensively sensemaking processes and its components, not to mention combine this with Weick's organising process (I have yet to come across a study that has attempted this).

4.6.3. *Adapting the sensemaking and organising framework*

Whilst the SAO framework was considered the most appropriate framework to achieve the study's aims and objectives, after extensive reading of Weick's material to better understand how it operated, it was decided that some amendments were necessary. This section details what adjustments were made and why. Note that Diagram 8 provides an outline of the sensemaking and organising process with red text highlighting the adaptations. The original framework developed by Weick, Sutcliffe and Obstfeld (2005) is included in the Appendices (see Appendix 13).[65]

In terms of the organising process (highlighted in yellow in the Diagram), two key changes were made. For the second organising stage, originally 'Selection', this was amended to '*Interpretation and* Selection'. It was considered that 'Selection' did not adequately explain one of the core components of this stage, that being interpretation (selection refers both to the label given to the 'issue' and the action that was chosen - a process made possible by interpretation). The second amendment made to the organising component of the framework is the addition of 'Action' to the third stage, so that it now reads '*Action and* Retention'. Even though action (acting, activity, behaviour) is implicit throughout the framework it needed to be made more visible to

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[63] For example, the study did not focus on, or explore, the sensemaking process of identifying, placing and connecting present moments of experience (i.e. cues) within broader (past) frames of reference.
[64] An excellent example of this is research conducted by Maitlis (2005). Not only did she identity four key sensemaking processes but that each sensemaking process produced a particular type of outcome.
[65] The original framework was first published in 2005 and attempts to marry two core concepts of Weick; that of 'organizing' (1969, 1979) and 'sensemaking' (1995).

reflect Weick's contention that action represents a central component in both sensemaking (Weick, 2005: 409, 412) and organising (Weick, 2003: 185, 190). A further reason for its (overt) inclusion in the framework is to show the importance of action to the functioning (and indeed raison d'être) of organisations.[66] For example, it is action that addresses a fundamental preoccupation within organisations, that of "*what do I* [we] *do next?*" (Weick et al., 2005: 412, bracket added). The addition of 'Action' is also justified to a certain extent by Weick himself, in that a previous model he developed in 1984 with Daft (of the interpretation process within organisations), the final stage of this model was titled 'Learning and Action Taken'. Daft and Weick assert (1984: 286) that action is a significant part of learning (and learning equates to retention in the organising model, namely knowledge is *learnt* and *retained* as a result of action taken which then feeds back into the sensemaking and organising process).

In term of changes made to the sensemaking component of the framework (highlighted in blue in the Diagram), Weick includes five of the seven sensemaking properties, omitting social and enactment. These have been added to the framework so that it reflects all seven sensemaking elements. The '*Enactment*' property has been added to Stage 1. Even though Weick already includes enactment in Stage 1 of the organising process (and thus probably why he excluded it from the sensemaking process) it also needs to be made visible in the sensemaking component. The reason for this is twofold. Firstly, at a more general level, enactment represents a core idea that runs throughout Weick's work.[67] Secondly, and in terms of the framework, Weick argues that "*[e]nactment is the glue that joins organizing with sensemaking*" (2003: 193). Thus, to adequately reflect the way that enactment connects the two processes it has been included twice in the framework. The '*Social*' property (which refers to the dynamic social process and social nature of sensemaking), has been included in Stage 2. Weick considers this sensemaking property to be an important factor for all stages, arguing that "*all of these organizing and sense-making events are presumed to be social*" (2003: 186), hence why Weick excluded this property from the model. Given its importance,

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[66] That organisations are prominent (and primarily) sites of action is a point also made by Weick. For example he states that "*employees make decisions to participate and produce. Once employed, people generate action*" (1995: 158), and that "*[r]egularities in the sensemaking process that are built around action derive from the basic fact that organizations are activity systems that generate action*" (1995: 134).

[67] Gioia suggests that enactment represents "*the notion probably most associated with him* [Weick]" (2006: 1714).

however, the social property has been included within the framework so that it has a more visible presence. Moreover, it is considered an especially salient component of the 'Interpretation and Selection' process and thus why it has been located here. This is also validated by Weick himself, who stated, when proposing the framework along with his colleagues in his 2005 article, that the second stage ('Selection') involves the core aspects of articulation and interaction (namely articulating the meaning with others via social interaction of the 'issue' at hand). Also, the social and interactive nature of sensemaking is frequently highlighted by Weick throughout his work[68], thus there is considerable evidence from Weick himself that supports the need to explicitly feature 'social' in the framework.

The adaptations made to the original SAO framework are minor, but it is argued that, visually, it better reflects the key elements of Weick's sensemaking and organising concepts. With these amendments made and justified, the three stages of the sensemaking and organising process are now briefly described. The following three chapters then focus on each stage in-depth and 'bring to life' the framework by showing how 22 companies enacted, interpreted and implemented human rights. To recap, the sensemaking and organising process (or the sensemaking process of organising) represents the way in which people within organisations make sense of and manage equivocality and how order is imposed on the unknown (the 'issue' or 'situation' at hand). It involves three connecting and overlapping stages which Weick describes as "*when something unexpected occurs and there is an ecological change, people often enact something, select portions of the enactment to take seriously and retain some meaning of what they enacted*". (Weick, 2001: 96). Put another way, to make sense of, resolve and structure the event (or issue) that is causing a disturbance, it involves "*turning circumstances into a situation* [Stage 1: 'Enactment'] *that is comprehended explicitly in words* [Stage 2: 'Interpretation and Selection'] *and that serves as a springboard into action*" [Stage 3: 'Action and Retention']". (Weick et al., 2005: 409, brackets added).

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[68] For example, in the same article (in which Weick and his colleagues outline the joint framework) he argues that, "*sensemaking is, importantly, an issue of language, talk, and communication*" (2005: 409) and then states not long after, that "*communication is a central component of sensemaking and organizing*" (2005: 413). In previous publications he argued that "*sensemaking is never solitary because what a person does internally is contingent on others*" (1995: 40), and "*[t]he basic sense-making device used within organizations is assumed to be talking to discover thinking.*" (1979: 165)

Diagram 8. PhD Analytical Framework: A Process Model of Sensemaking and Organising (adapted from Weick et al., 2005)

Stage 1 *What's going on?*	*Stage 2* *What does this mean?*	*Stage 3* *What next?*

- Ongoing
- Enactment

- Retrospect
- Social
- Cues

- Identity
- Plausibility

Ecological change → Enactment → Interpretation and Selection → Action and Retention

Chapter 6
The Enactment of Human Rights

Chapter 7
The Interpretation of Human Rights

Chapter 8
The Implementation of Human Rights
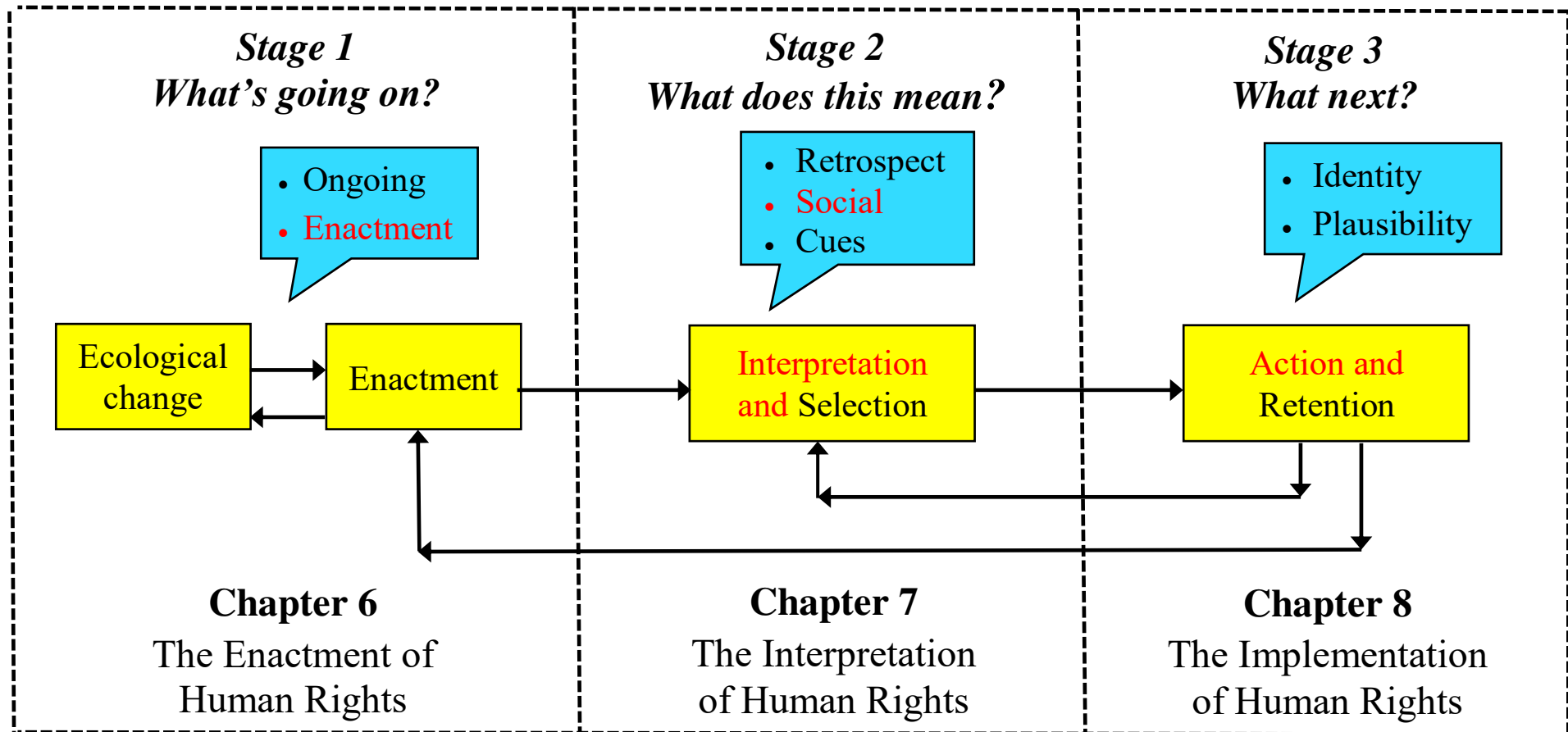
Diagram Key	
	Three Stage Organising Process
	Core Sensemaking Properties
Red text	Additions made to Weick et al. (2005) framework

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4.6.4. Stage 1. What's going on? Enactment

Weick argues that "*organizational sensemaking is first and foremost about the question: How does something come to be an event for organizational members?*" (Weick et. al. 2005: 410). The first stage of the SAO framework focuses on this question directly by examining how an 'event' is brought into existence and explores the way in which organisations enact or produce an object (the 'issue', the 'situation', the 'event', etc) in the first place (Weick, 1979). As highlighted by Dutton and Jackson (1987), strategic issues do not present themselves to managers in a prepackaged, neatly defined form. A certain amount of work (namely enactment and construction) is required before the meaning can be scrutinised, developed and labelled (Weick, 1995).

The enactment stage involves the key activities of *noticing* (when the continuous 'flow' of organisational life is breached, disrupted or unsettled in some way) and *bracketing* (when portions of the environment are punctuated and set apart for further inspection). When a disruption is first noticed, the process of sensemaking is explicitly activated and set in motion. Even though individuals are continually making sense of their world, there is a point at which sensemaking is said to begin. That is, when individuals notice 'something' that is causing a disruption to their "*ongoing flow of experience*" (Weick, 1969: 91), prompting them to start making sense of this flux. In doing so, this creates the initial bracket in their environment and their continuity of experience.

It is then through the act of bracketing that creates the "*raw data which is eventually transformed by other processes into information and action*" (Weick, 1977/2001: 193). What, and how, raw data is selected for bracketing is a complex process in itself and involves the dynamic and ongoing interaction of external and internal inputs to the organisation (Weick, 1969: 195). It is this interaction, together with the processes of noticing and bracketing, that organisations create ('enact') the environment, producing the raw data which is then interpreted. (Weick et. al., 2005: 410).

4.6.5. Stage 2. What does this mean? Interpretation and selection

If the first question of organisational sensemaking is "*How does something come to be an event for organizational members?*" (Weick et. al., 2005: 410), then, according to

Weick, the second and equally important question concerns "*What does an event mean?*" (*ibid*). Thus, the 'Interpretation and Selection' stage of the organising process focuses on what an event (the circumstance, the disruption) means for an organisation and explores the process by which an understanding and interpretation is generated to make sense of a situation.

Whilst some equivocality has been removed as a result of the first organising stage by way of bracketing the environment, this raw data has yet to be fully interpreted, made meaningful and labelled (Weick, 1979). The interpretation and selection stage thus explores how this raw material is translated and transformed, particularly focusing on the way in which "*individuals and groups sort through prior cues, label them and connect them*" (Weick, 2001: 237). This connecting of cues - the tiny indicators suggesting what might be occurring - is in turn heavily influenced by the situational context, that is the broader frames, worldviews and past experiences of organisational members (Weick, 1995). The process of linking cues within wider frames (such as national culture; organisational expectations, traditions and tacit knowledge; and cognitive models and schemes of organisational members) retrospectively creates a meaningful definition of the situation at hand (Weick, 1999, Weick et al., 2005).

Of central importance to this stage (and indeed without it interpretation and selection is severely constrained) is the social dynamic of the sensemaking and organising process. Weick argues that interaction, communication and language are key social mechanisms for generating and sharing meaning in organisations (Weick, 1995; Weick et al., 2005). Thus, and applying this specifically to the interpretation and selection stage, an uncertain situation is given meaning and thus clarified when individuals explicitly share and discuss with others their cognitions and perceptions (which are typically multiple and diverse) about what might be happening (Daft and Weick, 1984; Weick 1995; Weick et al., 2005). Thus social interaction, communication, language, talk, text and words are all key features of the 'Interpretation and Selection' stage and how a confusing issue is given meaning and understood.

Furthermore, as language and words are the principle means for creating and conveying meaning (Weick, 1990: 582, Weick, 1995: 108, Weick et. al., 2005: 409), an essential part of this process is the selection of appropriate and plausible labels that interpret and

describe the situation. According to Weick, the label selected, and the communication of that label, is of great importance in sensemaking and organising, as they not only focus attention on, and limit the number of possibilities for, what the situation could mean, but "*labels carry their own implications for action, and hence why so successful in the management of ambiguity*" (Weick, 1985/2001: 49). Thus, the labels and words selected to describe the issue influences and determines what actions are possible, plausible and ultimately taken.

4.6.6. Stage 3. What next? Action and retention

The main goal of the previous stage was "*to construct, coerce, or enact a reasonable interpretation that makes previous action sensible and suggests some next steps*" (Daft and Weick, 1984: 287). The primary focus of the third stage (of the sensemaking and organising process) is to focus on the 'next steps' taken by organisations. This stage, therefore, is primarily about action; the activities carried out based on, or as a result of, the interpretation and meaning given to a situation.

Whilst this distinction (between the interpretation and action stages) sounds relatively straightforward, 'action' is a complex, ambiguous and rarely defined notion,[69] something Weick also acknowledges: "*it is still tough to be precise about what is meant by "action." Part of the problem is that people are seldom in the state of not acting*" (2003: 193). For Weick, acting, actions and activities are key elements within each phase of the SAO framework. For example, in Stage 1 (enactment), people 'act' by means of noticing and bracketing in order to enact and bring into existence the environment, the situation, the raw materials that are then interpreted. In the second stage ('Interpretation and Selection'), people 'act' by means of articulation, communication and interaction in order to interpret, label and give meaning to the raw materials (the loosely defined environment enacted during the previous stage).

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[69] Cramer et al. represent an exception to this. They defined action as "*physical (to do something literally), verbal (to talk as an act) or mental [to think about a particular subject in a specific (new) manner]*" (2004: 220, original brackets). Whilst it is perceptive that Cramer et al. recognised the need to clarify the meaning of action (which is itself rare), conceptualised in this (very broad) way suggests that almost anything can be construed as action (and thus calls into question the value of such a wide-ranging definition both theoretically and practically).

Despite the lack of precision in the way that Weick uses and discusses 'action', for the purposes of this present study, the meaning of 'action' is informed (perhaps somewhat contradictorally) by Weick himself, when he argued (in an early publication) that action "*involves a new response or action based on the interpretation*" (Daft and Weick, 1984: 286). It is in this way – specifically a new action or response – that the concept of action is set apart from the interpretation and selection stage. By using this distinction and articulating it further, the third stage of the framework focuses on the concrete, identifiable, deliberate and, crucially, new activities carried out to organise and manage the situation (the issue that has been interpreted and labelled). Expressed more eloquently by Cramer et al., action is about how people "*externalise the interpretation of* […] *cues via concrete actions. It is the sensible interpretation of those cues that give way to formulating and executing specific actions*" (2004: 220). Viewed in this way, action can be seen as both a process and a product.[70] This is also highlighted by Weick who points out that whilst the primary focus should be on the processes of sensemaking and organising, a "*dual emphasis on structure and process actually is unavoidable if one is to understand the working of an organization* […] *organizing and the consequences of organizing are actually inseparable – they are interchangeable notions*" (1969: 16).

Having set out the exact meaning of action as it applies to this stage of the SAO framework, a crucial feature of action (according to Weick) is the learning subsequently generated and retained for future use (Weick, 1969: 107). In particular, it is feedback from, and active reflection on, behaviour that generates new data and fresh meaning (Daft and Weick, 1984). This over time amends and/or produces new individual and/or organisational "*schemata*" (Weick, 1979: 154),[71] that informs future sensemaking (Weick, 2001, 1979). It is in this way that the SAO framework can be seen as cyclical and ongoing, in that retained knowledge influences how future environments or circumstances are enacted (Stage 1) and/or how situations are interpreted and labelled

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[70] Jeong and Brower helpfully and succinctly differentiate action as a process and a product. They suggest that process is the way in "*which the individual makes real, or turns into reality, the idealized project (plan of action)*" and a product represents "*the 'external residuum' of* [the] *realized project*" (2008: 232).
[71] Schemata, or to use Weick's various other terms that of "*cognitive maps*" (1985/2001: 308), "*mental maps*" (1985: 285), "*cause maps*" (1979: 131) and "*organisational memory*" (2001: 305), represents the taken-for-granted reality of organisations such as "*scripts, interlocking routines and habituated action patterns, and shared understanding*" (Balogun and Johnson, 2005: 3). Schemata thus denotes preserved organisational "*knowledge, behaviors, mental maps, norms, and values over time*" (Daft and Weick, 1984: 285).

(Stage 2). The sensemaking properties of identity and plausibility are also important elements within this feedback loop (and for sensemaking and organising in general) as not only to guide what knowledge and learning is retained or disregarded, but they shape (as well as being shaped by) what circumstances are noticed and how cues are interpreted that help build up a sense of the situation (Weick, 1995; Weick et al., 2005).

4.7. Conclusion

This chapter presented a reflexive account of the research 'journey', from the seed of an idea (*business and human rights*) to a research focus (*how a commitment to human rights developed in UK companies*) and the process that transformed this into a rigorous and meaningful doctoral study. The research approach of social constructionism and interpretivism, together the qualitative research method of semi-structured interviews, was viewed as the most appropriate research design to explore the study's aims and objectives. Following a description of the steps taken to select and interview 22 UK companies, as well as the data analysis process, the chapter concluded by introducing and justifying the study's analytical framework. It is this sensemaking and organising framework that structures the following three empirical chapters and presents, shows and explains the process by which 22 UK companies enacted, interpreted and implemented human rights.

Chapter 5

Stage 1. What's Going On?
The 'Enactment' of Human Rights by UK Companies

5.1. Introduction

In the previous chapter, a detailed and reflexive account of the study's philosophical approach, design, methods and research process was outlined. It was argued that an interpretivist and qualitative approach represents the most appropriate strategy with which to explore the study's key areas of interest: namely the micro-level processes and practices that take place within UK companies to make sense of, organise and manage human rights.

The previous chapter also introduced the study's analytical approach (based on the work of Karl Weick) and set out the way in which its core concepts, that of sensemaking and organising, have been understood, adapted and tailored for the present study. This and the following two chapters (5 to 7) apply this three stage (sensemaking and organising) analytical framework to present, structure and organise the study's empirical data. Together, these three chapters make up the overarching sensemaking and organising process as it relates to the development and management of human rights responsibility within companies from the perspective of those involved in the process (predominantly middle managers). The purpose of this chapter, however, is to focus exclusively on the first stage of the process, namely the initial enactment of human rights by companies (as displayed and highlighted in Diagram 9). Put differently, it examines the way in which companies recognised and then brought human rights into existence when a disruption or flux was detected, prompting the search for answers to the question, "*what's going on?*" (Weick et al., 2005: 412) or "*what's the story here?*" (Weick, 2001: 237).

To unpick this multifaceted enactment process, the chapter focuses on, and is structured by, the two main components that make up this process, that of '*noticing*' and '*bracketing*'. The chapter firstly considers, describes and examines when companies

first *noticed* human rights, what they noticed and why. Secondly, the chapter describes what companies did next (directly after noticing human rights) to understand the meaning of human rights and draws on Weick's notion of "*occasions for sensemaking*" (1995: 83) to structure the activities that informed the *bracketing* of human rights (that is, how companies portioned and set apart certain parts of the environment to create a vague, tentative and loose sense of 'what's going on' in respect of human rights). Having considered and scrutinised each key component separately, they are then brought together to show the enactment process and Stage 1 of the sensemaking and organising (SAO) framework as a whole. This is achieved, and best depicted, by three company examples that demonstrate, particularly well, the enactment process and the way in which, together, the different composite elements of noticing and bracketing brought human rights (as a topic, issue or 'thing') into existence for these companies. The chapter then concludes by outlining a number of (second-order analysis) observations, reflections and conclusions about the initial enactment of human rights by companies.

Diagram 9. Stage 1 (highlighted) of the Analytical Framework:
A Process Model of Sensemaking and Organising
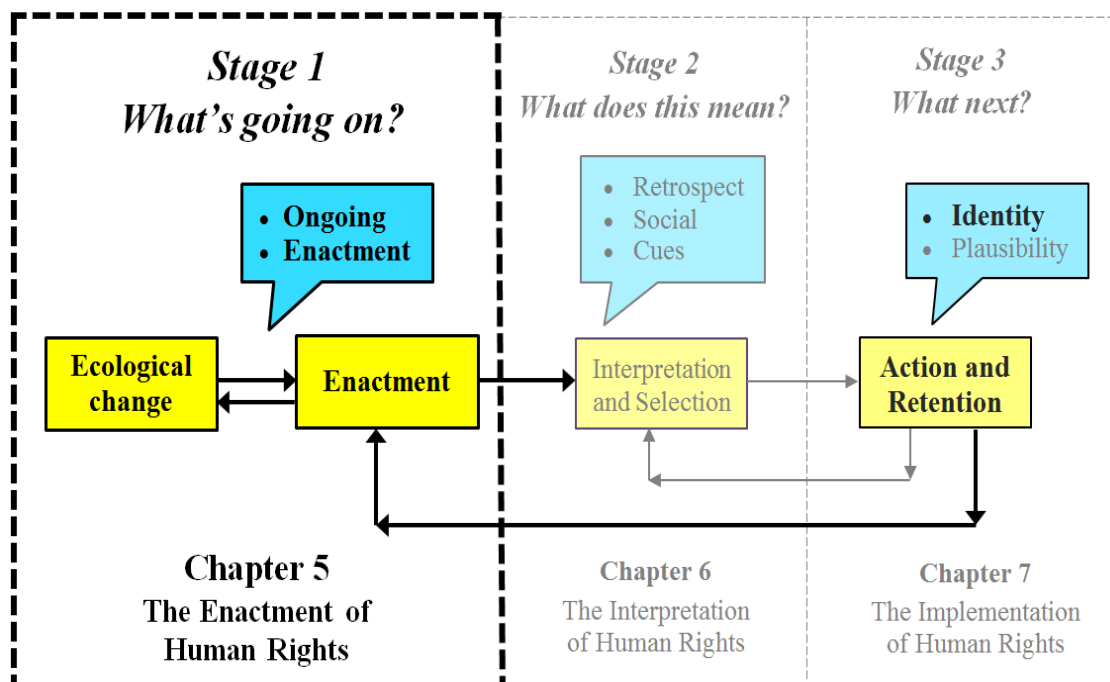
5.2. Noticing: what triggered companies to recognise human rights?

This section outlines the key factors, events and/or circumstances (or 'cues' as Weick calls it, 1995:49) that caused companies to notice human rights and represents the point at which the process of sensemaking was activated and set in motion in relation to human rights. Before this is presented it should be highlighted again that, as outlined in the previous chapter, the companies that participated in this study were purposely selected for their human rights experiences. Thus the sample consist of those that have already 'noticed' human rights in some way and hence the in-built bias in the sample.[72]

The following three sub-sections present the main triggers and cues (as the starting points for sensemaking) which respondents identified as being responsible for their company first noticing human rights. Despite a diverse range of triggers – some very unique and situation specific[73] – a number of common threads were identified and it is these that are focussed on and presented below.

5.2.1. *Corporate responsibility: develop, review and improve*

The most significant trigger for noticing human rights was linked to a company's broader corporate responsibility (CR[74]) strategy development (11 of the 18 companies).[75] This transpired in three particular and separate ways. Firstly the process of developing and formalising a CR approach prompted a recognition of human rights (for three companies). One company, for example, was alerted to human rights by

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[72] And in this respect the sample represent a rare group given that out of a myriad of issues (or information, trends, events and so forth) that companies are "*bombarded*" (Dutton, and Jackson, 1987: 76) with on a daily basis, these companies have formally recognised human rights whereas most, it can be said, have not noticed human rights (or may be partially aware of human rights but have quickly dismissed it as not relevant).

[73] A good example of this is presented later in this chapter (see section 5.4.3) when the experiences and 'enactment' of human rights by EXc is described.

[74] Note that even though a range of official (corporate) terms were used – such as Sustainability and Corporate Social Responsibility (CSR) – the term Corporate Responsibility (or CR) is used therein as this represented the most commonly adopted formal term (13 companies in total, with five using Sustainability, two using CSR and two companies that did not have a CR framework in place).

[75] Even though the sample contained a total of 22 companies, four companies were not able to identify what prompted their company's initial awareness of human rights (as one respondent was relatively new to the role and three could not pinpoint the exact trigger with one participant commenting that their focus on human rights had evolved gradually over a long period of time because of the extensive age of the company and thus different to pinpoint the exact trigger. Likewise another respondent observed that they focussed on specific human rights, rather than human rights as a whole, and each would have evolved differently and for this reason was not able to identify the specific triggers).

external stakeholders who were providing feedback on their first CR framework and highlighted human rights as important. Thus these companies viewed human rights to be an integral part of CR and most (but not all) incorporated human rights within a specific area of the CR approach (a fuller discussion of this, in terms of human rights as included within CR, is presented in Chapter 7, section 7.2.4).

The second way in which human rights was triggered by a company's corporate responsibility activity was during the process of reviewing the CR approach and/or policies. For these companies (five of the eleven), human rights was noticed and viewed as an important and significant way to expand and improve their existing CR approach. Thus for two companies this was part of "*pushing the boundaries*" (BSa) of their CR strategy, to go above and beyond legal requirements and external expectations. This, in turn, was linked in both cases to an explicit and broader corporate ambition of becoming a world-class leader in their industry; thus, human rights was seen by both companies as part of improving and enhancing their reputation and external image. For two other companies, the CR review identified human rights, specifically the lack of an explicit human rights element, to be a weakness of their CR strategy (and human rights were thus seen as improving their CR approach). Both companies were also, at this time, rapidly expanding their business operations in non-UK markets and a human rights position (and eventual policy) was viewed as important in supporting this broader corporate objective, specifically in terms of addressing and mitigating against the risk of operating in countries deemed as having a poor human rights record (such as China and the Middle East).

> *... we were updating and reviewing that* [CSR policies]*, again part of the what do we do to improve our corporate social responsibility. I think we just felt we didn't have a human rights policy and be it a global company we absolutely felt it was the right thing to do* [MEc]

> *So we did that initial work on human rights because we recognise, and if you look at the group's strategic objectives is to grow international, so given that what are the risks associated with that* [BSb]

The third and final way that human rights was noticed through corporate responsibility (for three companies) was as part of a wider corporate restructuring itself triggered by changes in the business model (namely, a merger with another company, the acquisition of a company and moving from a centralised to group structure). In particular, this

offered one respondent the opportunity to completely overhaul the company's CR approach, essentially starting "*from scratch*" (FSb) which resulted in a significant expansion of their CR activities within which human rights was then formally incorporated.

Interestingly, and worth noting at this point, in only one case did the reverse happen; that is, CR was triggered and formalised after, and because, a company identified and took action regarding human rights.[76] What is particularly interesting about this case is that even though they noticed human rights before CR, it was then subsumed and addressed within their CR approach (which was seen as broader than human rights) and had resulted in, according to the respondent, human rights losing its "*visibility*" and "*explicitness*" within their company.[77] Moreover they considered this to be symptomatic of UK companies in general but in relation to the increasingly popular term (and approach) of 'Sustainability'.

> *The one that I worry that might get squeezed out of all of this is human rights. Cos the more it moves into sustainability I think human rights risks getting squeezed out, but that's a personal thing* [RTb]

When pressed further on this point (in terms of the implications of this for their company or more generally) the respondent was not able to articulate this further other than commenting that they had a vague sense that the company needed to consider human rights in more detail again, particularly given (at that time) the UN's renewed focus on business and human rights and John Ruggie's work in this area.[78]

Interestingly, and related to this, two companies mentioned that the internal (and external) focus on human rights had declined in recent years and other areas/issues were now seen as more pressing, particularly that of climate change, water consumption,

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[76] Note that this company's account of their human rights 'journey' is used as an illustrative case later in the chapter, see section 5.4.1).

[77] This point was unwittingly and aptly demonstrated by the participant herself when, after the formal interview had taken place, attempted to locate the company's human rights policy (developed over 15 years previously). After much searching it was eventually discovered in a small cabinet at the bottom of a disorganised pile of papers, files and folders. This illustrated (symbolically to me at least) that the importance the company once held human rights had since weakened. This was further reinforced when the request for a copy was declined because they had only five print copies left (but the participant duly scanned the human rights policy and emailed a copy through the next day).

[78] John Ruggie (at the time of the interview) was the UN's Special Representative for Business and Human Rights. His work is outlined and reviewed in Chapter 3 (section 3.4).

work-life balance and living wage. Conversely, however, two respondents highlighted that they had witnessed an increasing focus on human rights in their companies due to changes within, and wider expectations about, their industry (that of telecommunications) particularly the challenge of striking a balance between particular rights (such as privacy versus data disclosure). For these companies, then, particular human rights had become more pressing in recent years due to considerable technological, political and social developments in the (telecommunications) industry.

5.2.2. *External attention, criticism and scrutiny*

The second key factor that acted as a trigger for noticing human rights, identified by four companies, concerned external criticism, scrutiny and attention (from, for example, the print media, consumer groups and single issue pressure group campaigns). For one company, the allegations made against them directly concerned the company's (unethical) behaviour, whereas in the case of the remaining three companies the concerns were levelled at the human rights practices of the industry, but these companies also received media attention due to their association with the industry (and two of them were specifically singled out by pressure groups as an example of that sector). Furthermore, one participant highlighted that their company was associated not only with concerns made regarding their sector but as part of a much broader and international debate regarding economic globalisation, the increasing power and impact of multi-national companies and the move towards the outsourcing of production to third-party suppliers in developing countries.

> *And a campaign started and it all got mixed up with globalisation and brands and child labour and big head of steam followed. And that's when our business got serious about explicitly doing something about it rather than just being vaguely aware that things happened in our supply chain* [RTb]

Whilst the negative attention that all four companies received was both unexpected and unwanted, it represented a considerable surprise and shock in the case of two companies ("*came out of the blue*" (BSb)). One respondent (IFa) eloquently described the reasons behind why it had come as such a shock to them.

In our industry we're not used to being the centre of attention. So if people are rude about us it's a bit of nasty shock, so there's kind of that instinctive, we don't like this reaction. And I think that's compounded in our case because people generally think we are trying to do the right thing. So if we're trying to do the right thing we don't want to be on the receiving end of bad publicity, that's a nasty shock [IFa]

As highlighted by the quote above, the sense of shock experienced by this company was particularly heightened due to the sharp contrast between the external criticisms levelled against them and the image of the company (and/or the image they wanted to portray). This sense of shock was very pertinent and raw for one respondent when on the day of the interview (for this study) a number of severe allegations were made against the company in the media. The respondent stated that staff were "*very upset*" (BSb) with the negative publicity they continued to receive and considered it "*insulting*" (BSb) to the effort, outlook and values of their employees.[79] The conflict this respondent highlighted between the identity of organisational members and external allegations was particularly present in one company (RTb) in which the serious claims made against the industry and, by implication, the company (concerning the use of child labour) clashed severely with the personal values of the Chairman.

The Chairman actually has a very strong human rights personal sort of driver, personal ethos, and that goes way back […] So it was certainly quite troubling for him personally when these child labour issues came up [RTb]

This inconsistency between the personal identity of the Chairman and the external allegations made against the company triggered not only a formal recognition of human rights for the company, but it also prompted considerable action initiated by the Chairman to investigate the claims further (this is outlined in more depth in section 5.4.1)

5.2.3. Senior management and/or human rights champions

The key role of senior managers and leaders in triggering a human rights focus represents the third and final factor most commonly highlighted by companies (four out

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[79] Two respondents also stated that the media attention and scrutiny their companies had received since they were originally widely criticised was "*demoralising*" (FSa) for employees and one respondent stated she found it frustrating and "*quite difficult*" (MEb) to deal with on a personal level.

of 22). The type of managers mentioned by respondents were those located at the 'top' echelons of the company, that being the Chairman, Chief Executive Officer, Managing Director and the Executive Board in general or other members of the Board. These individuals were considered instrumental in noticing human rights and in ensuring that other (certain) individuals within the company also paid attention to human rights (including the respondents to the study bar two that were themselves members of the Executive Board). One respondent was particularly adamant that the main responsibility and leadership for human rights (and indeed any 'issue' that depended on the involvement of employees) must be located at the Executive Board level in order to drive commitment, engagement and *"buy-in"* (BSc) from across and within the company. She forcefully argued that:

> *… it's amazing actually how powerful and effective it is when a leader that people are actually willing to follow stands up and says I want you to do this, people will do it. But if that person doesn't stand up and say those things people will take the view that actually that means it's not important and they don't need to do it. Certainly I think our CEO, the Managing Partner recognised that and so that is why we've ended up with having the real driving locus for this* [human rights] *being within the board* [BSc]

Though senior managers were observed as instrumental in triggering companies to notice human rights, there were also other factors at play that have led these senior leaders to become aware of human rights. These factors were also articulated by the four companies (that highlighted the importance of senior managers). Thus for one company, and as highlighted in the previous section, the Chairman was spurred into action after allegations made by a pressure group campaign conflicted with their personal values and identity. Two other companies had also been subject to external criticism over alleged unethical practices but the motivation to act was based more around (re)building and improving the reputation and external image of their companies (to address the criticisms). Finally, one participant could not articulate the reason behind their senior management's interest and drive behind human rights but instead suggested that:

> *somebody should do a study on the role of individual managers, and when I say managers I mean all the way up to Senior Executive, VP, President level within businesses. Somebody should do a study on the role of managers as, I don't know, champions, idealistic individual or a group of individuals and the power that they have to persuade businesses to take a*

particular path, which sounds naïve but it's the only conclusion that I can reach because actually guys, you don't see an impact on customer sales through this stuff. You just don't [RTa]

It is perhaps somewhat surprising (to the researcher at least) that only four companies identified senior managers as a key factor behind their companies human rights focus, given that a high proportion of companies (17 out of 22) highlighted senior directors as vital in driving and/or endorsing their CR agenda. Two possible and interrelated reasons are put forward for this difference in senior management involvement in human rights vis-à-vis CR. Firstly, and as discussed previously (in section 5.2.1), given that human rights was triggered by existing CR activity (either its initial development or as part of the review process) a human rights focus evolved more out of ongoing CR processes than from senior leaders specifically. The second reason, which links to the previous point, is that human rights was triggered and driven more by those individuals responsible for the development and implementation of CR in the company. This was certainly the case for four of the study companies wherein respondents explicitly identified themselves to be the driving force behind their company's human rights focus and direction. It is inferred, however, that more respondents (than four) were influential in triggering an awareness of human rights in their companies but have not fully acknowledged or appreciated the role they have played in the process or explicitly articulated this in the interviews (due to humility perhaps). This point is returned to and explored in more detail in the next chapter (in terms of how respondents adapted, customised and 'sold' human rights, as well as other terms, in their companies, see section 6.3.2).

5.3.   Bracketing: what did companies do next (to set apart and bracket human rights)?

The previous section outlined three factors that were frequently identified by respondents as instrumental in triggering human rights to be first noticed by their companies. It was briefly mentioned that these triggers represented the point at which the process of sensemaking (by organisational members) was activated and, importantly for this section, signifies when a bracket was created (as the starting point of sensemaking) that then sets apart human rights from the rest of the environment. This section focuses on this aspect (the bracketing process) in greater depth and resumes the

'story' from the previous section by describing what companies did next (after they were alerted to human rights) and applies Weick's notion of "*occasions of sensemaking*" (Weick, 1995: 83) to structure the activities they carried out. As already highlighted, the study companies were selected not only because they had noticed human rights but because this prompted them to act further in a bid to understand the meaning of human rights. It is these activities then carried out by companies to better understand human rights that are focussed on here and viewed as pivotal in generating the enacted environment, or the "*raw materials*" as Weick calls it (2003: 189), which brings human rights into existence and thus creates a vague, preliminary and loose sense of 'what's going on' (which, in turn, is further interpreted, clarified and labelled).

A significant caveat is necessary at this point regarding these activities, in that it was the same activities and processes involved in the initial enactment of human rights that were also involved in developing a clarified, simplified and shared understanding and interpretation of human rights (as representing the official and formal label of human rights used by the company). This is also an issue noted by Weick (2001: 237) who warns that it is difficult to separate the enactment (Stage 1) and interpretation (Stage 2) processes of organising due to their interconnectedness (and can happen so quickly as to appear one process). The present study also found this to be the case, and for this reason the following outlines the activities and social processes for both the enactment and interpretation stages but highlights, where possible, those activities that were clearly related to, or particularly significant for, one of the stages.[80]

5.3.1. *Occasions for sensemaking: uncertainty and ambiguity*

As previously mentioned, the study applied the notion of "*occasions for sensemaking*" (Weick, 1995: 83) to structure the activities that companies carried out to understand human rights. Proposed by Weick, "*occasions for sensemaking*" (1995: 83) suggests that two particular occasions motivate organisations into further action, that of uncertainty and ambiguity (Weick, 1995: 91). Note that Weick uses 'occasions' not in the sense of a specific trigger (such as those which were discussed previously in relation

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[80] Even though this represents a limitation of this study in terms of applying Weick's organising and sensemaking framework as originally conceived, it does allow the following chapter to focus instead on the actual meanings and interpretations that companies gave to human rights and the language and labels they selected and used to convey this understanding within the corporate setting.

to human rights) but in terms of how the sensation of discontinuity (or discomfort, flux, dissonance, chaos) is experienced or 'occasioned'. Thus, according to Weick, *uncertainty* represents a state of ignorance and motivates a search for more information and knowledge, whereas *ambiguity* represents a state of confusion which in turn motivates a search for a way of clarifying the information, and/or multiple interpretations and meanings, acquired about the issue (or event, situation, 'thing', etc).

Applying this to the study it was found that uncertainty represented the most common 'occasion' experienced by respondents. The state of ambiguity, however, was also found in that after a process of searching for more information about what human rights entails, respondents needed to clarify and interpret this new knowledge to understand its relevance for the company setting. One respondent aptly and articulately typified this transition from uncertainty to ambiguity when they stated:

> *To be honest with you, having gone through and tried to do information gathering on this, it does almost feel like there is just never ending lists and lists and lists of things. And unfortunately when you do look at things like the UK Bill of Rights or the UN Declaration of Human Rights, the language that is used within them isn't actually accessible and it can be interpreted in lots of different ways* [MEa]

Whilst all the study companies had progressed beyond uncertainty, and most have clarified the ambiguity this information had generated, there were still a handful of companies (three out of 22) that were in a state of confusion about the meaning and relevance of human rights, thus were somewhere in between Stage 1 and Stage 2 of the SAO framework.[81] What is particularly interesting about two of these (three) companies is that whilst they were at a similar stage they differed considerably in the approaches taken to address their confusion surrounding human rights. For one company, the respondent was in the process of engaging with a wide range of external parties to discuss and share experiences concerning human rights (such as human rights organisations, business initiatives, NGOs, peers in similar companies and human rights

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[81] Note that these were companies selected specifically by the Ministry of Justice and the consultants (TwentyFifty) as part of the Ministry of Justice project, although were interviewed again for this present study. The companies that were then accessed for the PhD, using the survey from the Ministry of Justice project, were approached on the basis that they had progressed beyond Stage 2 of the SAO framework.

workshops and conferences).[82] In addition, the respondent also stated they would find a type of "*practitioners working group*" (BSa) extremely beneficial not just in terms of discussing human rights but as a general platform to *"share the challenges that we've got and take some of that back into the business"*.

In contrast, another company had decided against consulting with external sources (for the time being at least) as a way of addressing their confusion about human rights and were instead collecting information from within the business (in addition to external literature they had already gathered) with the aim of:

> *... getting our own house in order first around our value chain, what we're doing, what we're not, where are our gaps, where are we never gonna go with human rights* [MEa][83]

The different strategies adopted by these companies can be seen as reflecting, to some extent, the characteristics of their industries and type of products provided. This was indirectly suggested by one of the above companies (who used an external facing strategy) when talking more generally about the approach they apply to identify and understand new issues and/or general environmental changes.

> *As a firm,* [we are] *generally very supportive of getting new knowledge because we're a knowledge firm and our people are the service. So that might be through colleagues or externally, so we do go out to lots of events because that's where you hear what other businesses are dealing with and how they're dealing with it* [BSa]

For this company, then, making sense of new information through external engagement typified the type of company they were and their product (professional service provider). On the other hand, the company that adopted a more internal looking strategy explained that they wanted to first understand and develop their position on human rights before engaging external stakeholders otherwise *"people think they've got a*

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[82] The respondent also added to this list taking part in academic research and thus why had agreed to participate in the Ministry of Justice project and again separately for the PhD study. They commented that it gave them the opportunity to have an academic discussion about business and human rights because *"I've got some person academic interest in human rights"* (note also that because of this personal interest this participant was driving the human rights focus in the company).
[83] This has been somewhat simplified in that they had conferred in a minor way with external sources, namely a SRI analyst and a colleague in a similar company, but their main focus (and strategy) was on collecting data from colleagues and departments within the company to make sense of the ambiguity surrounding human rights.

chocolate box to choose from" (MEa). Given that this company (and the sector in general) had recently been heavily and publically criticised for their lack of transparency and stakeholder engagement it can be inferred that again this approach reflects their industry (the defence sector) and type of product provided (controversial in nature).

To recap, the examples above show companies at very similar stages, both experiencing the ambiguous 'occasion' of sensemaking, but using different strategies to address this confusion; with one seeking clarification via social interaction, discussion and debate with external parties, and the other seeking clarification via the collection of internal sources of information. It remains to be seen whether the strategies adopted by each company were successful (in reducing ambiguity) but they had decided (at the time of the interview) that this was the right course of action for them. As a side note (in terms of which strategy is more effective) Weick (1995: 99) argues that ambiguity is best addressed by interacting with others (preferably face-to-face) to allow a joint understanding to develop (which would equate to BSa's strategy); whereas collecting more information on top of an existing state of confusion and information overload created by ambiguity, would, according to Weick, "*only make things worse*" (Weick, 1995: 187)[84] (equating to MEa). Leaving the merits of each strategy aside, of particular interest to the bracketing process concerns the way in which these early activities and interactions have a bearing on how human rights is enacted in terms of what aspects of the environment are set apart, bracketed and boundaries put around. The chapter explores this in more depth using one of the above companies as a case in point (namely the company that used an outward engagement approach); however, before this is presented the chapter first describes what companies did after 'noticing' human rights and the specific activities undertaken to address the uncertainty and ambiguity that the topic of human rights caused.

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[84] Furthermore, Weick argues that organisations are more likely to label something as a problem of uncertainty (lack of information) rather than ambiguity (information overload) because addressing the latter is "*not for the faint of heart*" (Weick, 1995: 186) since it requires direct interaction with colleagues, amongst others, to debate and discuss multiple interpretations, and will most likely consist of disagreeing with, and possibly challenging, those in authority. In terms of this study, however, it is viewed as unlikely that respondents mislabelled the 'occasion' (as uncertainty rather than ambiguity) given that it is only somewhat recently (mid to late 1990s) that human rights has been talked about in relation to private entities and it is far more probable that the study companies lacked information and knowledge about human rights (as it relates to the business context that is).

5.3.2. *Uncertainty: the search for meaning*

As mentioned in the previous section, the study found that uncertainty (lack of knowledge) concerning human rights to be the most common 'occasion' or sensation experienced, which, in turn, triggered a search for more information about its meaning. This section focuses on the activities undertaken to address this uncertainty, namely who was tasked with this responsibility and what sources of information they used.

The first task typically initiated by the study companies after noticing human rights was to assign responsibility to a specific person or team to investigate it further. For a significant proportion of the study companies (15 out of the 22) responsibility was assigned to the existing team or person responsible for CR.[85] Companies that did not have a dedicated team or person in charge of CR (seven out of 22 companies) responsibility for human rights was attached to an existing position within the company (as an additional remit) with three of the study companies locating this oversight with the Human Resources Director and the remaining companies locating human rights to different functions, namely the Managing Director, Chairman, Health and Safety Manager and Community Development Officer.[86]

In terms of the sources of information searched for and used, this varied greatly. Overwhelmingly respondents first consulted internal sources, particularly relying on their own knowledge and experience. One participant, for example, was personally recruited by the company's Chairman owing to their extensive human rights knowledge and expertise. Similarly, six companies employed external CR specialists who thus brought with them their own stocks of knowledge, skills, experience as well as contacts.[87] Two respondents, for example, had an MSc in Sustainability, another had an MSc in Environmental Science, and one respondent described himself as "*a bit of a*

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[85] Although this is not to imply that responsibility was always assigned to the CR person or team by someone externally as for 11 of these cases the focus on human rights was itself triggered by the CR person and/or team. However, responsibility was still assigned in the case of a team, in that a specific person was given the task of leading the search for understanding the meaning of human rights.

[86] Note that this is outlined in more detail in Chapter 7 (Stage 3 of the SAO framework) in terms of respondents' reflections on whether a dedicated person or team is necessary or even desirable (see section 7.2.2)

[87] Of course, recruiting specialists can be considered a case of appropriating external resources but is represented as an internal source here to reflect and make the point that internal sources of information were extremely important (in general and as the first step) to learn about the meaning of human rights.

sustainability geek I'm embarrassed to admit. So I read widely on these things" (FSa). Another significant internal resource highlighted by respondents concerned their CR team (representing 12 of the 22 study companies with a CR team), finding the mix of specialisms and areas of expertise within the team particularly useful.[88]

> *people have come to this area from a wide range of backgrounds and that's a strength in many ways cos people bring to them different experiences and skills* [EXa]

Another respondent whilst also praising the diverse make-up the team, highlighted the generic (but also specific) skill-set they all shared which was viewed as particularly important for searching and understanding new information.

> *... we've all got a minimum requirement, we're all Masters level academically so we're by nature used to research, it's second nature* [MEb]

In addition to using their own knowledge and/or the knowledge of the CR team, respondents stated that due to the size of their companies they were able to make use of the wider resources and expertise outside of their immediate circle. This was made easier, as suggested by three respondents[89], by having worked for the company over a long period of time and resulting in the development of extensive networks of internal contacts that could be called upon very quickly when needed.

> *It's easy because it's such a big company. We've got for instance our own specialist in employment law. You know, it's a doddle for us* [MEd]
>
> *I suppose having worked here for best part of 20 years now you get to know people and the network in the company* [TRd]

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[88] For example, one company's CR team consisted of specialists in human rights, climate change and community investment (MEb), and another team had specialisms in diversity and inclusion, environment, safety, community and communications (MEa). Also both of these companies had a CR manager (or "*generalist*" as one respondent called it, MEa) with overall responsibility for the team and both CR managers were interviewed for this study (they also commented that they were the 'face' of the CR team in terms of reporting to the Board internally and engaging externally with stakeholders such as research requests).

[89] Two of these respondents had been an employed nearly 20 years (BSb and TRd) and one respondent over 30 years (MEd) but had all undertaken various positions within their companies in that time. One of these respondents, for example, originally worked in the Human Resources department and then moved to their current position in the CR team (as community relations manager) but interestingly had kept some of his previous human resources functions "*by accident*" (such as running the company's diversity training).

... so you identify these people in your business and you build the relationships and feed off of them as well as they feed into me. I wouldn't say I'm the expert, I'm just the facilitator of experts [BSb, Business Services, Legal and Recruitment company]

As well as internal sources of information (and expertise) respondents also searched and used a variety of external sources to learn about human rights. The source most referenced (seven companies in total) was the United Nations Universal Declaration of Human Rights (UDHR).

So in a sense our commitment is to the Universal Declaration but that's quite a high level text and we go to what we think are the most suitable texts for more specific guidance and requirements [EXa]

As suggested in the above quote, there was a strong feeling that the UDHR represented an abstract, conceptual and fairly complex document. Companies therefore accessed additional material seen as more practical and business 'friendly' such as the UN Global Compact (six companies), the ILO Core Conventions (five companies), John Ruggie's (UN) human rights framework (3 companies), Business in the Community (three companies) and Ethical Trading Initiative (two companies). A further significant source of information that respondents highlighted (ten companies) related to the human rights activity of their peers and competitors, the reason behind which varied and included benchmarking, learning about best practice and/or simply "*to see what they are doing*" (BSc).[90]

As a side note, an interesting conversation arose between two respondents about the 'right' type of information for learning about and understanding human rights. During a discussion about the UN Global Compact, one of the respondents expressed their surprise at how many signatory companies "*seemed to root their whole internal governance to the Global Compact ten principles*" (RTb). Her colleague responded by stating that companies should always look to the UN Human Rights Conventions for information since "*the Conventions are there to help you through a particular situation that you want to change, you want to alter in some way*". She continued this point by suggesting that companies who consult the wrong Convention(s) or rely solely on

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[90] It is somewhat unclear whether this represents a genuine 'source' of information in terms of learning about (the meaning of) human rights. Certainly, and as highlighted in the next section, respondents found that direct contact with other companies an important (external) avenue to discuss and clarify the information (and multiple interpretations) they had about human rights.

business translated initiatives such as the UN Global Compact and ETI Base Code "*can lead to a rotten result*". Whilst agreeing in principle, her colleague then suggested that in practice companies are under considerable pressures to act and lack the time needed to consider the source documents of human rights and/or they trust that the initiatives they have joined have effectively translated the UN Conventions for the business context.[91]

5.3.3. *Ambiguity: the search for clarification*

As mentioned previously, the study found that companies experienced not only uncertainty about human rights but a sense of confusion about the information first collected and the tentative impressions generated as a result. It was also highlighted, that the activities and social processes that companies then used to clarify the meaning of human rights (outlined below) played a considerable part in the process of interpreting human rights (the interpretations of which are outlined in the next chapter, section 6.2). Again this illustrates Weick's point that it is difficult to isolate the initial enactment and bracketing of the environment (the loose sense of what human rights means) from the processes that then interpret, simplify and clarify this data into something more meaningful, structured and concrete.

Focussing on the specific activities carried out by companies, almost all of the internal and external sources of information were considered important avenues for clarifying the meaning of human rights. Firstly, and as with sources of information, the work environment itself represented a considerable and valuable resource.[92] For most respondents their team members (and/or colleagues in the wider company) represented their first port of call to discuss, debate and share perceptions about the relevance of human rights for the company.

> *You obviously first talk to your colleagues because they've got that wealth of experience, people who'll understand these things etc. And you discuss it, you sort out, well, how does this align with what we're doing in the business* [BSb]

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[91] This point (that companies should refer to and use the UN human rights conventions) was not surprising (to the interviewer at least) given that the participant was recruited not only for their human rights experience and expertise, but specifically for their "*background of the UN Conventions*".

[92] Indeed, three of the study companies stated they relied entirely on internal sources and mechanisms for clarifying their understanding around human rights.

Consulting work colleagues represented the more informal channels that respondents used (the kind of day-to-day interactions and conversations with staff members) whereas formal channels represented the second major internal resource used to make sense of human rights. Whilst a variety of different formal channels were mentioned, the most commonly cited related to the existing structures and systems put in place for the governance and management of CR. This is perhaps unsurprising given that, in all but one case, those companies with a formal CR approach (19 companies) had been developed before human rights were explicitly noticed and, moreover, it was the CR structures themselves, such as a CR manager or department, that for 11 of the 18 companies triggered human rights to be noticed in the first place.

In terms of the types of formal structures put in place for CR, they varied greatly in scope, scale, composition and location (and more details of this are set out in Chapter 7, section 7.2.4). All companies with a dedicated CR position and/or CR team (15 companies) as well as one company without, had established a CR Committee (or Board, Group, Leadership, etc.) to oversee their CR strategy, governance and performance. For some, this represented the only formal mechanism with which to discuss and share thoughts about CR; however, most of these (16) companies had set up additional mechanisms such as practitioner, 'champion' and cross-function forums, and single issue or thematic groups and projects.[93] One particular company was noteworthy for the range and scale of mechanisms established (perhaps reflecting the considerable size as well as group structure of the company) which included an overarching CR committee (the head of which reported directly to the company's main Executive Board), CR strategy group, business unit leadership team, practitioners forum and CR champions task forces.

On the whole, respondents found these formal structures and different groups beneficial in terms of exchanging ideas, learning from others, hearing about the latest 'issue' and,

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[93] Four of the study companies, for example, viewed the process of understanding human rights as a specific 'project', two of which had completed the 'project' and the remaining two (at the time of the interview) were in the middle of this project of clarifying the meaning and relevance of human rights for the company (and were also used as previous examples in section 5.3.1). Interesting, the two companies that had completed this project continued to view human rights as a project (that had now finished) but one of these companies acknowledged in relation to their CR approach that despite it being initially approached as a "*short-term project to introduce CR*", since recognised that "*corporate responsibility is not something you can project manage as such, it's more about culture of values*" [IFa].

most importantly for some, coming to a shared understanding and decision about something. However, two respondents noted some difficulties they had experienced with such mechanisms in terms of the (slow) decision-making process and (large) number of members.

> *It's very collaborative, so everyone has a say and everybody has an opportunity to do feedback or to put stuff on the table. Sometimes it can slow the process down but that is how we operate as a business* [MEa]

> *So it's a big committee and it's a bit tough actually to manage that committee. So at the end of the day there's a lot of debate that goes on within and then usually that translates into proposals or statements that then go onto our global management committee, our board essentially. So I would say the final arbiter on most of this stuff is the board but a lot of debate and hashing around and things like that go on the CR committee* [MSc]

As an interesting side note, a number of participants offered (unprompted) a number of reasons for utilising primarily internal resources to understand and make sense of human rights, some of which have already been touched on. Firstly, it was viewed as cost effective. Respondents were mindful that given the recent financial crisis and ensuing economic recession they could not justify the expense of consultants or attending external conferences (or workshops, seminars, training courses, etc.). Secondly, participants stated that involving and working with internal parties created ownership over human rights (or particular human rights areas) and thus helped to secure employee buy-in and, in turn, facilitated the implementation and execution of policies. The final explanation, which was considered the most significant by respondents, was that there was no real need to engage externally given the extensive knowledge, experience and expertise of company employees and particularly the person and/or team in charge of human rights and/or CR (some of whom, as mentioned earlier, were specifically recruited by the company for this expertise). One company was particularly noteworthy for their strong reaction to this issue, viewing a question about what *external* resources they had used to make sense of human rights as an inappropriate assumption. The respondent reacted by stating:

> *But you're making that sound as though we're all just born! Actually we've been kicking around a while, all of us* [TRa]

As well as utilising internal resources to develop a better understanding of human rights, respondents also mentioned a variety of external channels. The key external sources consulted to clarify meaning, such as the UN Global Compact, Business in the Community and the Ethical Trading Initiative, provided information and guidance materials as well as opportunities for meetings, training courses and interaction with other companies. As one participant remarked:

> *... Business in the Community is one source. I'm also a member of the Corporate Responsibility Group for practitioners. You see Business in the Community is for business, practitioner side of things and is really important. So you have closed sessions where we can go and talk. It's like a self-help group at times ...* [laughs] *... but you need those and you need to be able to talk in confidence* [BSb]

Three additional external avenues were commonly highlighted by respondents as important mechanisms for understanding the meaning of human rights, that of direct contact with peers in similar companies; consultants (three companies in particular relied heavily on this method), and; stakeholder engagement (ranging from ad hoc "*talks*" with civil society groups particularly Amnesty International, to regular "*panel*" meetings with invited external experts). A number of respondents (nine in particular) presented themselves as particularly effective networkers not just in relation to human rights but as a general approach they applied to their work. These (nine) respondents stood out not just for the breadth of contacts contained within their network but the extent of their (considerable) participation in different business initiatives, groups and ad hoc collaborations (with NGOs and Universities for example). These networks and networking activities were considered beneficial not just to air and discuss new issues but as important avenues to find out about environmental changes, trends and potential 'risks'. Likewise most respondents of the study attached considerable importance to a continuing awareness of broader developments, beyond that of the company sphere, noting this to be especially crucial in this field where external expectations and opinions change rapidly in terms of what is considered (un)ethical or (im)moral corporate behaviour.[94] As one respondent (somewhat wryly) remarked:

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[94] One respondent remarked that an awareness of developments in the external environment had been formally built-in to their role and as such were responsible for producing a quarterly report reviewing the main CR risks based on a range of information sources such as "*media, NGO discussions, tracking systems, blogs, forums, competitive intelligence and networking*" [TCb].

Basically there's always some ethical or environmental issue that's gonna come up. So that's the world. The world changes. Its a changing environment – socially, economically, politically - there's always gonna be something different coming up [FSb]

Overall, a broad range of internal and external sources were utilised by respondents as part of the search for clarification about human rights and to address the ambiguity it presented companies. The activities and social processes involved in this (to air, debate and clarify perceptions about what human rights could mean for the company) played a considerable role in developing a more concrete, structured and organised understanding and interpretation of human rights (representing the official and formal label of human rights used by companies). Furthermore some channels (for clarifying human rights) were used by respondents at particular times and/or for particular purposes. For example, early on in the process (when companies were first creating a loose and vague impression about human rights) resources particularly utilised were immediate work colleagues, peers in similar companies and consultants. Whereas other channels, such as formal CR structures within the company, engaging stakeholders and joining the UNGC were utilised more frequently at the latter stages when the meaning of human rights for the company was being clarified, formulated and labelled.

5.4. Enacting human rights: three illustrative cases

So far, this chapter has described the various ways that companies first *noticed* human rights and the activities they then carried out to address the initial *uncertainty* about human rights (by searching for more information about what human rights could mean) and their *ambiguity* and confusion about human rights (by clarifying and interpreting this new knowledge for and within the company context). It was also highlighted that it is activities such as these that are fundamental in how something (human rights in this case) is enacted; that is, the process by which portions of the environment are selected and set apart for further investigation (and thus creating a vague and loose sense of human rights at this stage). Having separated and scrutinised the noticing and bracketing elements of the enactment process, the focus of this section is to show, through means of three short company vignettes, the way in which, *collectively*, the activities of noticing and bracketing brought human rights into existence and with different and unique effects.

5.4.1. Company A (RTb)

Company A's human rights 'journey' began when they, along with a handful of other companies in their industry, were subject to a pressure group campaign that alleged the use of child labour in their operations abroad (particularly manufacturing plants in their supply chain). The widespread media coverage and negative publicity that ensued came as a sudden and considerable shock to the Chairman, amplified by the company's long standing commitment to philanthropy and the Chairman's strongly held personal beliefs and values "*of wanting to be a caring company*". The Chairman initiated immediate action and, in the words of the respondent, "*that's when it all kicked off*".

To investigate the allegations made against the company (as well as the sector as a whole) the Chairman personally recruited a human rights expert who was, at that time, working for an international NGO. The expert (who was interviewed for this study) then carried out an extensive review of the company's supply chain ("*sent me off round the world*") and consulted a wide range of people including plant managers and workers, local civil society groups and Government agencies. The findings of the investigation, in which the respondent found "*that everything wasn't OK and that they had everything - forced labour, child labour, discrimination, below minimum wage - everything*", was presented and discussed with the Chairman. According to the respondent this involved asking and addressing a number of key questions such as:

> *Is it your responsibility? How it is your responsibility and what is your responsibility? What kind of business are you? Do you take responsibility or not?*

Following these deliberations, a course of action was agreed, namely establishing a set of minimum standards in their global supply chain for employment and working conditions (with particular attention paid to child labour), developing processes to monitor compliance by managers and/or owners of manufacturing plants, and launching an extensive training programme for both plant workers and managers.

To recap this short vignette, following the Chairman's recognition of human rights and setting in motion a full investigation, human rights was initially and very quickly

enacted (as well as interpreted and addressed) as labour standards in the supply chain.[95] Note that whilst external sources of information were utilised during the early stages of the investigation (to address and investigate the uncertainty surrounding the allegations made), for the most part internal resources were used to clarify this information and make sense of the situation, most notably the respondent's human rights knowledge and expertise, and the discussions that took place with the Chairman (including his experience and knowledge) to come to a shared consensus about the appropriate course of action.[96]

5.4.2. Company B (BSa)

Company B's focus on human rights was triggered by the personal interest of the CSR Manager (the respondent to the study) who wanted to develop and improve the company's formal CSR approach. Wanting "*to do something with human rights*" was viewed as a way of "*pushing the boundaries*" of their CR strategy and, in turn, enhancing their reputation beyond that of their main competitors.

To understand the meaning of human rights the respondent consulted a variety of sources, utilising firstly the CSR team's broad range of knowledge and experience (ten employees in total), followed by consulting the company's research department and then examining UN material on human rights (particularly the draft tripartite framework developed by John Ruggie). The respondent, at the time of the interview, was in the process of making sense of this information, using predominantly external channels such as workshops and conferences, business initiatives particularly the UNGC, peers

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[95] Interestingly, the respondent viewed human rights considerably more broadly (than as a supply chain concern) but 'packaged' human rights in this way in order for the company to respond quickly to the external criticisms being made against them and also to meet internal expectations of the company (in terms of aligning with employee perceptions of human rights, the terminology used and the general culture and way of working within the company). Chapter 6 (Stage 2 of the SAO framework) discusses this aspect in more depth (that is, the way in which respondents carefully and strategically used language and terminology for particular purposes: see section 6.3.2).

[96] Another interesting aspect to this case is that whilst these initial sensemaking activities used predominantly internal sources of information and mediums, the respondent (and subsequent team established) became extensively involved in external organisations, initiatives and groups (more so than many of the other study companies). However, these external channels were primarily used for picking up new issues and trends ("*they can be your eyes and ears out in the field*") and were not considered useful as a mechanism for discussing, debating and clarifying new information since they viewed themselves to be much further along (compared with the issues that other companies were trying to make sense of) and were more likely to be learnt from and provide support to others; "*[b]ut we have been doing it a bit longer than most*".

in the same industry and taking part in the present study (as providing an opportunity for an academic discussion about human rights). As a result of this initial process, human rights had loosely been enacted in two ways. Firstly, and primarily, related to employee rights, the working environment and the human resources department: thus human rights were viewed as enhancing and improving the company's "*people package*". Secondly, human rights was related to the company's supply chain and procurement of goods (such as IT equipment), notably the risk of sourcing from countries with a poor human rights records and/or a greater potential for human rights violations (child labour as the example given).

In summary, human rights was noticed and loosely enacted by the activity of one individual, driven by a personal interest in human rights. Whilst initially the respondent explored mostly internal sources of information to gain knowledge about human rights, the strategy for making sense of human rights favoured a high degree of direct contact and interaction with a wide range of different parties and mediums, particularly external, to exchange and debate the meaning of human rights (and as highlighted earlier, in section 5.3.1, the emphasis on external engagement typified this company in terms of its 'product' and general culture, that being a "*knowledge firm*"). Note that this respondent was in the early stages of clarifying the ambiguity they had about human rights, specifically in terms of understanding how their loose enactment of human rights 'fitted' with the company's CSR strategy, a CSR strategy that the respondent viewed as separate to human rights, primarily as employee volunteering, charitable giving and community development (this implications of this is discussed presently in section 5.4.4).

5.4.3. Company C (EXc)

For the final illustrative case, and perhaps the most unique and succinct of the examples, human rights was triggered for this company when approached by an academic who was conducting research on the human rights challenges of extractive companies operating abroad (non-UK countries). The respondent subsequently became involved in the research (as a participant) and utilised the expertise of the academic to discuss the meaning of human rights both in a general sense and specifically in relation to the company's operations. Even though the respondent subsequently carried out

some separate information gathering on human rights, notably consulting the UDHR, human rights was loosely understood predominantly through their interaction with the academic researcher. Thus human rights was enacted and partially interpreted as associated with particular non-UK countries and certain issues such as child labour, child trafficking and 'sweatshops'. For this reason the respondent concluded that "*I can say hand on heart we've never been close to in anyway breaching* [human rights] *and not likely to either*".

Whilst the respondent still had some remaining confusion and ambiguity surrounding human rights, observing that "*some of the human rights issues probably need a little bit more clarification going forward*", for now they were content to leave human rights in this loosely defined state, requiring no further action for the time being. Furthermore, and similar to Company B, human rights was positioned as distinct from their company's CR interpretation which was viewed as primarily the respect for employees (particularly health and safety), followed by charitable giving and environmental protection. Again, by separating human rights from CR it was concluded that no further action was required (in terms of, for example, incorporating human rights within their CR approach).

5.4.4. *Illustrative cases: summary and discussion*

Overall, the brief examples described above highlight a number of interesting facets about the enactment (as well as interpretation) of human rights. Firstly, not only do they show the vastly different ways they were alerted to human rights, but the myriad of factors and cues that played a role both in what they noticed and the loose understanding (the raw materials) they then developed about human rights.

Secondly, and building on the first point, they highlight the importance of context and how the combination of different inputs shaped the initial meaning of human rights resulting in very different enactments (and interpretations), unique and particular to each company's circumstances. What is especially interesting about this process is the way in which the enactments reduced *and* increased a sense of flux, discontinuity and ambiguity. This is best illustrated by comparing Companies B and C who, despite many similarities, differed considerably in how their initial enactment of human rights was

then experienced. For both companies, they 'occasioned' similar levels of ambiguity concerning the applicability of human rights[97] and due to their enactments both were not able to make the transition to Stage 3 (concrete action). For Company C, they were content living with this state of ambiguity and a partial understanding of human rights (which was enacted as an issue of concern in particular non-UK countries). By viewing human rights in this way, and as separate to their CR strategy and operations in general (health and safety for example), they concluded that it did not require any further action. Company B on the other hand was also experiencing a sense of ambiguity but unlike Company C this was causing a heightened state of flux and confusion since the respondent could not marry their initial impression of human rights (as primarily employee rights, working environment and human resources) with their CSR interpretation and strategy (as employee volunteering and community development). Thus, in contrast to Company C, this respondent was not content to tolerate this level of ambiguity particularly as they were keen to develop and improve their CR approach (and overall reputation) and human rights was viewed as important to this objective.

The third and final aspect that the illustrative cases highlighted particularly well (and was found to be the case for the majority of the study companies) is the iterative, ongoing and incremental nature of the enactment, as well as interpretation, process. Respondents, for the most part,[98] needed to understand the meaning and relevance of human rights for themselves initially, before communicating this to others, and in doing so would move back-and-forth between many different sources of information and channels (both internal and external). Furthermore, the different strategies employed during this process were also illustrated by these examples; one respondent preferring to rely on their own experience, knowledge and expertise (Company A), whilst the two other respondents, particularly Company B, made much more use of external sources of information and expertise to help them make sense of human rights.

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[97] Although Company C had progressed slightly further than Company B in that they had partially interpreted human rights.

[98] Although three companies did rely on external consultants noticeably more so than other companies in the study (in terms of the consultants, rather than the respondent, carrying out some of the initial activities such as information gathering). That said, these companies did not rely solely on the information and/or interpretation provided and a certain amount of effort was needed by participants to interpret and relate this information to the particular situation and culture of the company (which itself was an iterative process but mainly an internal one between respondents and their immediate colleagues or in one case ongoing discussions with the consultancy itself).

5.5. What's going on? Discussion, observations and final conclusions for Stage 1: the enactment of human rights

This first stage of the SAO framework is an important one. It represents the beginning of the (sensemaking) process and the early endeavours by the study companies to place some kind of sense, order and structure on their environment and human rights as that causing them disruption. For them to achieve this it was necessary, somewhat paradoxically, to temporarily complicate the situation by asking "*what's going on?*" (Weick et al., 2005: 412) or "*what's the story here?*" (Weick, 2001: 237) and doing a certain amount of preliminary work to bring human rights into existence. Thus by noticing human rights and then searching for more information and clarification about what human rights are, companies then created the "*raw materials*" (Weick, 2003: 189) of human rights. That is, they enacted a tentative and vague sense of human rights (still puzzling to them at this stage) whilst also, and simultaneously, imposing some order on the situation by the way that certain portions of the environment were selected and bracketed (which they then simplified further and made meaningful when interpreting and labelling). This initial act of complication was most visibly demonstrated by the handful of study companies that were, at the time of the interview, in a state of confusion about human rights. One company in particular found that their initial enactment of human rights had, rather than help to impose some initial order on the situation, actually exacerbated their ambiguity and confusion surrounding human rights, resulting in an increased level of discomfort (mainly because they aimed to incorporate human rights within their CR strategy but the initial impression created of human rights was incompatible with their CR interpretation and strategy).

The second general observation to make about this stage relates to Weick's notion of "*occasions of sensemaking*" (1995: 83) which was employed to structure the activities that companies carried out after they had noticed human rights. It was found and argued that companies experienced (or 'occasioned') a sense of uncertainty (the state of ignorance) *and* ambiguity (a state of confusion) surrounding human rights. This is in contrast to the only CSR sensemaking study that explored 'occasions for sensemaking', wherein the authors treated uncertainty and ambiguity as two separate entities, finding that most companies in their research experienced uncertainty regarding CSR (Heijden et al., 2010). This study, therefore, contributes a new dimension to Weick's view in that

companies can (and did) experience both uncertainty and ambiguity[99] either at the same time or as separate processes. Thus it was highlighted how particular sources such as those within the company, notably work colleagues, provided respondents not only with vital information and new knowledge about human rights but with a forum to air, debate and clarify multiple meanings and interpretations which for some companies would take place simultaneously or in close succession.

A third key observation of this stage, and was previously discussed in relation to the three illustrative cases, is the myriad of factors, cues and inputs operating and interacting at different levels which informed and influenced how human rights was noticed and enacted; a complex process unique to each company. The inputs mentioned by respondents included internal factors (senior managers, human rights champions, work colleagues, existing CR activity, internal restructuring, and corporate strategy, objectives and goals) and external inputs (pressure group campaigns, societal expectations, type of industry, shareholders, competitors and nature of product).[100] Whilst various inputs can be seen in all three stages (of the SAO framework), it is this initial stage that exhibits the greatest and broadest range of factors given that it is the point at which internal and external environments meet, mingle and shape one another. Context, then, is particularly illuminated and significant at this stage and as highlighted by the three company vignettes. These cases drew attention not only to the range of diverse contextual factors and cues (that played a role in how human rights was enacted), but also to the complexity with which respondents interacted with internal and external inputs in a cyclical, iterative and, for some, haphazard fashion. Furthermore, they also illuminated the ongoing nature of the enactment (and sensemaking) process, and how the early impression of human rights (the raw materials), as well as its formal interpretation, were shaped and reshaped by this back-and-forth movement between different sources of information and channels used for clarifying the meaning of human rights. This two-way reciprocal relationship between enactment and ecological change

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[99] Weick is vague on this point (namely whether organisations can experience both 'occasions') and simply says that "*two types of sensemaking occasions are common to organization*" (1995: 91). It could be that Weick himself is experiencing a sense of *uncertainty* and/or *ambiguity* about this and has yet to make up his mind.

[100] Note that it is highly likely an even greater array of factors, cues and inputs are at work here if we accept Weick's premise that "*influences on sensemaking are often implicit, tacit, preconscious, mindless, and taken for granted*" (1995: 114) as only those cues and inputs that respondents are cognisant of (and then have verbalised) are observed here.

represents for Weick the key aspect of this stage, revealing the active relationship individuals have with their environments. Thus, rather than simply respond or react to external stimuli, people create, interpret and translate changes detected in the environment (the issue or situation that is causing discomfort) and in doing so produce a more simplified, ordered and predictable environment (Weick, 1979, 2003; Weick et al., 2005).

The final important conclusion to make about Stage 1 somewhat paradoxically pertains to Stage 3 of the SAO framework. Present throughout much of this chapter, albeit often implicitly, is the important role of retained information and pre-existing organisational knowledge and routines for how human rights was noticed and enacted. As outlined in the previous chapter (when presenting the analytical framework), a key function of Stage 3 (the 'what next?' phase) concerns the way in which organisational members learn and retain knowledge from previous situations (or enactments) which are then "*preserved as organisational memory*" (Weick, 2001: 305). This organisational memory (or schemata, mental models, frames of reference, etc.) exerts a powerful force on the sensemaking and organising process in that it facilities and influences how employees define, simplify and impose order on the issue or situation at hand, as well as what and how changes and cues in the environment are identified and considered pertinent (Weick, 1979: 154; Weick et al., 2005: 411). In relation to Stage 1 of the SAO framework, the findings revealed three important fields of retained knowledge that were found to be particularly influential for what and how companies noticed and enacted, as well as interpreted, human rights; that of corporate image and identity, existing CR activity and key organisational members (as key change agents).

The first significant field of retained knowledge found to be influential related to the identity and image of the study companies.[101] Where CR (or being a "*responsible*" or "*ethical*" company) was considered by respondents to be an important part of their organisations' image and identity, it played an influential role in triggering companies to notice human rights as well as informing the interpretation and course of action then taken. This effect played out in two key ways for this stage. Firstly, it was noted that a number of the study companies were 'shocked' into considering human rights as a

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[101] Organisational identity is commonly defined as the central, distinctive and enduring characteristics of an organisation (Albert and Whetten, 1985).

result of the discomfort organisational members experienced from the media and/or pressure group allegations made against them. This discomfort was intensified where the allegations contrasted sharply with the way in which respondents saw themselves as employees (their personal identity) and their perception of how outsiders saw them as a company (their external image). This also reflects previous well-known research (particularly Dutton and Dukerich, 1991) that found the deterioration in a company's external image, particularly when at odds with the identity of employees, represented a key factor in triggering companies to act. The second key way that a company's (perceived) CR image and identity played a role in triggering companies to recognise human rights was those that had attempted to develop and enhance their CR image and reputation externally, in turn triggering human rights to be explicitly noticed and recognised as an important part of that broader objective.

The second major area of retained knowledge and 'organisational memory' that influenced how human rights were noticed and enacted concerned the previous CR activity of the study companies. In general CR represented a major theme running throughout most of this chapter and can be seen as a significant field of retained information and existing organisational practices and knowledge that influenced many aspects of the human rights 'story' of companies. In relation to this stage, however, the existing CR approach and activities of companies significantly affected when human rights as a topic was noticed and how it was then enacted (including the activities carried out). Firstly, in terms of the initial trigger for human rights, and as highlighted many times in this chapter, companies with prior involvement in CR represented one of the main factors that first prompted a focus on human rights. Thus knowledge retained from existing CR activity resulted in, it is argued, these companies being more open to the possibility of recognising human rights as opposed to companies without any previous CR involvement. This predisposed state towards human rights was, for the study companies, either triggered indirectly (as in the case of efforts to enhance the external image and reputation of CR) or in a more direct fashion (such as companies developing a formal CR strategy or carrying out a review of their CR policies and practices). Not only did knowledge retained from previous CR activity influence *when* human rights was first noticed but *what* and *how* it was enacted (and, as seen in the next chapter, the interpretation then developed). For these companies, the preliminary and tentative impression of human rights was formed predominantly though their

relationship and association with CR particularly in terms of its 'fit' with the CR strategy or interpretation. Of those companies that were prompted to notice human rights as a result of their existing CR focus, all, bar one[102], enacted and viewed human rights to be an important part of CR (rather than as separate to CR).[103] Thus, and to reiterate again, the broader point and implication for the overall SAO process lies in how this previous enactment (of CR) was significant enough not only to be retained as 'organisational memory' that resided in the background (as a predisposed state towards human rights) but this learning played an active role that influenced directly when human rights was triggered and how it was enacted.

The third, and final, key area of retained knowledge that had a significant bearing on when human rights was noticed and made sense of lies with respondents themselves. As noted throughout the chapter, respondents relied heavily on their own experience, knowledge and expertise, as well as that of their work colleagues, to clarify the meaning of human rights. For many companies, notably those already engaged in CR, it is this previously acquired knowledge and experience that also played a part in initiating a human rights focus in the first place although alongside and within their CR capacity (and processes). Whilst the study did not focus on, or set out to measure, the degree to which these individuals (in terms of their background, knowledge and other socio-demographic features) influenced the enactment and interpretation of human rights compared with other factors, it was strongly felt (by the researcher at least) that respondents were heavily involved in both noticing and making sense of human rights (by way of, for instance, how they talked about adapting and 'selling' human rights to

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[102] This company had yet to fully make sense of human rights but had loosely enacted human rights as something separate from CR. This example is also a good case in point of how a company's existing CR commitment produced a general openness towards the possibility of noticing human rights. Thus for this company, human rights was noticed and driven by the personal interest of one individual, the CR Manager, but this would not have transpired without the company and the respondent being open to the idea of human rights (as well as exposed to it) via their already existing CR awareness and activities. Note that this company's human rights 'story' was used as an illustrative case earlier in the chapter (see section 5.4.2).

[103] This view, of human rights associated with and part of CR, is likely to have been influenced not just by retained CR knowledge but by existing CR structures and processes themselves. Respondents, when discussing how they clarified human rights, mentioned a number of channels they used to discuss and debate the meaning of human rights, particularly that of CR mechanisms such as internal CR committees and forums, and external CR initiatives and practitioner groups. It is suggested, then, that by the use of these channels, coupled with learning from previous CR engagement, encouraged human rights to be thought about, discussed and made meaningful in relation to and in comparison with CR.

others within the company, see section 6.3.2) and in this respect they represent key change agents for human rights in their companies.[104]

Running strongly throughout this research is a view that the interpretation, design and implementation of corporate responsibility is shaped significantly by key individuals in charge of this process, thus stressing the important part played by the values, background and characteristics of managers. This is not to suggest that respondents relied solely on their own stocks of knowledge and expertise as they had, in varying degrees, searched for and acquired new information to understand the meaning of human rights (although, of course, their interpretation of this information is informed, in part, by their previous experiences and knowledge). For the most part, then, respondents approached the task of making sense of human rights (as well as new issues in general) as one of utilising both retained knowledge *and* new information from a range of different sources both internal and external to the company.[105] This is an encouraging finding, particularly if one accepts Weick's premise that relying only on retained knowledge (be it an individual's and/or the company's) severely restricts the ability of organisations (and individuals) to detect, respond and adapt to environmental changes, which could lead to missed opportunities at best, or, at worst, spotting potential threats (Weick, 1979).[106]

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[104] As highlighted in the literature review (section 3.5.2), this theme runs strongly throughout the CSR sensemaking research, and the agency that it places on managers in determining the interpretation and design of CSR within their organisations was noted as a limitation (in that, by focussing exclusively on individuals this literature may underestimate the influence of institutional factors that have a bearing on the 'character' that CSR).

[105] And as highlighted, most respondents considered it important, in general, to maintain an awareness of new developments, changes and trends in the external environment. Moreover many respondents were (or presented themselves to be) very effective networkers in terms of their extensive contacts and widespread participation in different initiatives, associations and groups; thus through these broad (external) channels, respondents would pick up on new issues as well as debate, discuss and clarify the meaning of these issues for their companies.

[106] This is not to imply that Weick disregards the value of knowledge retained from previous enacted environments; on the contrary, he asserts that organisations need both stability (using retained knowledge to guide action) and flexibility (the openness to change and use new information) in order to survive. But he does suggest to treat "*memory as a pest!*" (Weick, 1979: 221) and that "[*i*]*n a changing world that is difficult to know and predict, it is important to hold retained meanings lightly*" (Weick, 2001: 357). Of course judging what previous knowledge and existing organisational frameworks to apply, and when, for any particular situation is challenging, and Weick offers no clarification on this. He does state, however, that "*retained information is sacred in most organizations*" (Weick, 1979: 225) and as such organisations are far more likely to rely on retained knowledge and pre-existing frameworks and routines to understand their environments rather than seek out new information or take non-prescribed or innovative action. Note that this point is returned to later, in Stage 3 of the SAO framework (see section 7.2.4 and 7.3), which discusses how companies incorporated human rights within pre-existing company procedures and frameworks.

To conclude this particular section, and the chapter as a whole, an interview excerpt is presented of a respondent eloquently talking about their general strategy for identifying and understanding new issues (or situations, events, and so forth). Whilst somewhat lengthy, and not related specifically to human rights, it nevertheless illuminates many of the key themes discussed in this chapter such as the mix of information sources, the reciprocal, iterative and ongoing relationship between enactment and environmental change, and (as outlined in the next chapter) the key role played by respondents to actively translate, transform and tailor the meaning and interpretation of human rights for different audiences.

The way I describe my job to everyone is that my job is to be a bridge between changing expectations externally, because they're not set, and aligning and translating these internally. So external expectations are around what does a responsible EXb look like, what do our stakeholders want us to be doing and that differs massively depending geographically or institutionally, the world's people are in, even the time of the day sometimes. So by engaging with our stakeholders for myself at a high level through initiatives, through reading news wires, publications, my own network of people. And then internally I manage our community discipline practitioners across the family of companies, so I get their take on things and, of course, my own knowledge and those academic skills I came with. And then to translate those demands and put context to them and bridge that divide to translate what external expectations are within, so that the company can internally understand it. So be that bridge between the external and internal, and then put in place the management processes, policies, approaches that are needed to keep pace with changing expectations and then to communicate those changes externally again [EXb]

Chapter 6

Stage 2. What Does This Mean?
The Interpretation of Human Rights by UK Companies

6.1. Introduction

In the previous chapter, the first stage of the sensemaking and organising (SAO) framework was presented. It outlined the enactment of human rights by the study companies and described their early endeavours to place some order, structure and meaning on their environment by addressing the uncertainty and ambiguity caused by human rights. It showed when and how the process of sensemaking was first set in motion by the study companies and the activities they carried out to answer the key question 'what's going on?' or 'what's the story here?'. It was argued that through these activities (of searching for information and clarifying the meaning of human rights) companies then brought human rights into existence; that is, a tentative and loose sense of human rights was created by the steps companies took to better understand human rights and in doing so set apart and put boundaries and brackets around portions of the environment. Whilst the resulting 'raw material' removed some of this uncertainty and ambiguity that companies had about human rights, their meaning had yet to be fully interpreted, made meaningful and labelled. Put differently, once the study companies had addressed the question of 'what's going on?' (Stage 1) and loosely identified what was causing a disruption (namely human rights), it triggered the next equally important question, and the focus of this chapter, that of 'what does this mean?' (representing Stage 2 of the SAO framework and as visualised in Diagram 10).

As highlighted in the previous chapter, the activities carried out by companies that helped formed the initial impression of human rights (answering the 'what's going on?' question) were also found to be instrumental in clarifying and transforming this raw data into more structured, meaningful and concrete knowledge and understanding (answering the question 'what does this mean?'). This chapter, as Stage 2 of the SAO framework, explores this understanding in further depth and resumes the 'story' from the previous chapter by focussing on the meaning that companies gave to human rights.

To achieve this, the chapter is divided into four key sections. The first section (6.2) describes the interpretation and construction of human rights by the study companies (as conveyed by respondents) and the reason(s) behind this understanding. The second section (6.3) explores the language, terminology and labels used by companies to describe and interpret human rights and the rationale behind the label(s) selected. The third section (6.4) outlines the human rights commitments made by companies and the extent of this responsibility. The chapter then concludes (6.5) by presenting a number of (second-order analysis) observations, reflections and conclusions about the meaning, interpretation and language of human rights both in general and as it relates to this second (selection and interpretation) stage.

Diagram 10. Stage 2 (highlighted) of the Analytical Framework:
A Process Model of Sensemaking and Organising
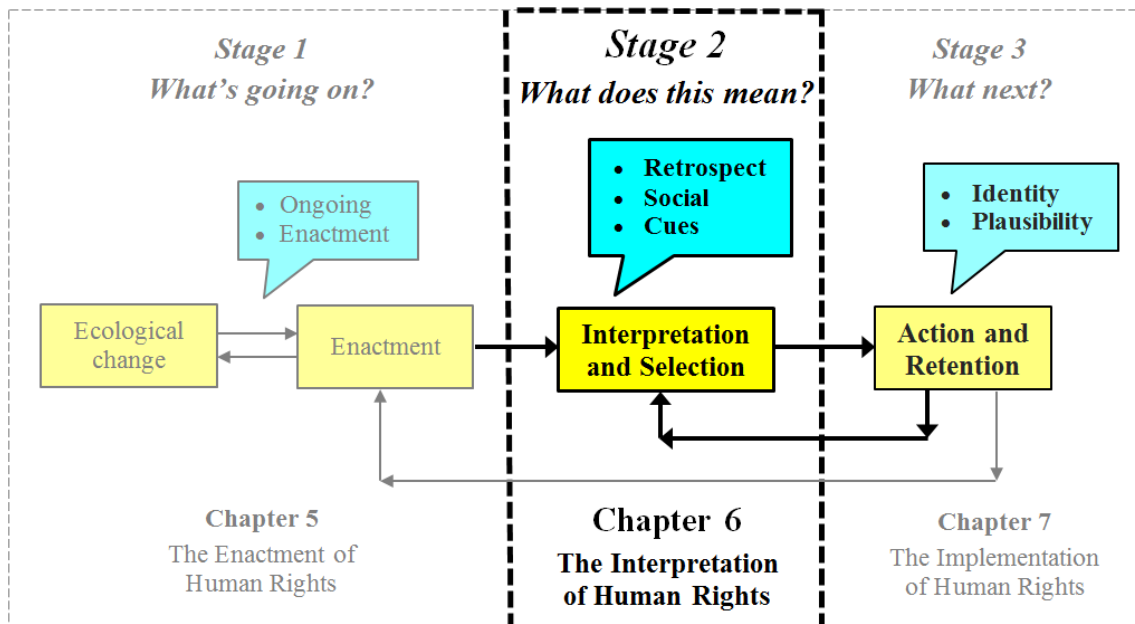
It is important to highlight, before the findings are presented, the drawback of separating the meaning attached to human rights and the language used within companies (to describe human rights) given that the sensemaking concept as well as discourse approaches remind us of the interconnectedness between language and sensemaking processes. Thus, not only is language, communication and talk the "*glue and soul*" of organisational reality (Schouten and Remmé, 2006: 367) but it is also the central device through which "*meanings materialise*" (Weick et al., 2005: 409). Put differently, meanings are constructed through core sensemaking processes when views about what might be happening are communicated, shared, debated and discussed, thus

allowing a collective understanding of the situation to emerge.[107] The intimacy between the meaning of human rights and the language used to convey and construct this meaning was prominent in the interview narratives as it was often during a consideration of the terminology and language companies used internally that the understanding of human rights also emerged. Thus whilst the meaning and language of human rights are treated separately they should be thought of as overlapping and complimentary rather than as separate domains.

6.2. Human rights: what does this mean? The construction, interpretation and understanding of human rights by UK companies

As highlighted in the introduction, the understanding that companies gave to human rights builds on, and is a product of, Stage 1 of the SAO framework. Thus, the activities that companies carried out to address their initial confusion about human rights were also the same processes through which the different meanings and constructions of human rights were clarified, reduced and simplified. It is these simplified and refined interpretations of human rights and the reasons behind these understandings that are now presented.

Note that, as explained in the methodology chapter, the study's main focus of analysis were UK companies (rather than the experiences of participants *per se*) and the evolution of human rights within companies; therefore, the following interpretations represent the formal and official understanding of human rights at the corporate level. Given that these were conveyed through the interviews with individuals (as representatives of their companies), and whilst they generally talked about company level practices and processes, inevitably some personal opinions and perceptions were expressed. Often illuminating, these are included where relevant but are clearly marked as representing the personal views of respondents.

With this (previous point) in mind, it is perhaps opportune at this stage to highlight the differences found between some respondents' personal understanding of human rights

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[107] Note that as outlined in Chapter 4 this is an assumption made and the stance the study adopts, namely that (and as argued by Weick) language, words and communication are the principles means through which meaning is conveyed and created (Weick, 1990: 582, Weick, 1995: 108, Weick et al., 2005: 409).

and the official corporate interpretation as adopted (but also communicated by respondents). It was clearly discernible (to the researcher at least) that for six respondents their awareness, knowledge and understanding of human rights far exceeded that of the official interpretation espoused by the company. It is perhaps of no surprise given that five of these respondents had been specifically recruited for their knowledge and expertise in this area (four in relation to CR and one for human rights). A number of reasons were put forward by respondents to account for this disparity, which are discussed later in sections 6.3.2, and are to do with aspects such as language, communication, influence and securing 'buy-in' from colleagues. However, it is raised here not only to highlight that differences (inevitably) exist in understanding between individuals and companies, but also to illuminate a broader point about the different ways in which respondents articulated their company's understanding and formal interpretation of human rights. For the six more 'expert' respondents a common strategy used to express and justify the formal interpretation adopted by their companies was to talk about the comparative lack of human rights understanding of other employees in the company. Other respondents also used this strategy as well as other methods to convey their company's interpretation (either together or at different times in the interview) and a total of seven different strategies were identified and are presented in Table 11. It is unclear whether these represent actual underlying sensemaking processes in terms of how each respondent made sense of human rights, or simply represent different ways that respondents talked about and verbalised how their companies conceptualised human rights (by attaching it to certain departments, stakeholders, structures, terms and so forth). Putting this point aside for now, where certain strategies were particularly replied upon by respondents they have been highlighted within the constructions of human rights.

One final point to make before the different interpretations are presented is that most companies adopted more than one understanding of human rights, typically two to three were expressed by respondents (although as mentioned earlier some participants displayed a much broader personal understanding of human rights than that of their company). Thus, even though the constructions are presented separately they should be thought of as overlapping with some more interlinked than others (such as human rights as 'employees, workplace and human resources' and human rights as 'legislation, regulation and compliance'). Note that five companies (out of 22) articulated a single

formal interpretation of human rights: three considered human rights as the international realm particularly human rights violations in countries with repressive state regimes (6.2.2), and two constructed human rights as employee rights and the workplace environment (6.2.3).[108]

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Table 11. Methods Used by Respondents to Articulate the Construction, Interpretation and Understanding of Human Rights

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1	Respondents referred to the *perceptions and interpretations* of other employees in the company, and to a lesser extent general 'people', particularly their lack of human rights awareness and knowledge compared with their own and/or their immediate team.
2	Respondents highlighted the *terms, labels and language* the company did/did not use to convey the meaning of human rights both externally and internally.
3	Respondents identified particular *stakeholder groups* the company had identified as having a responsibility towards (such as employees, customers, suppliers and the community).
4	Respondents referred to company *policies, systems and protocols* used to address, implement and manage human rights (such as risk management systems or health and safety procedures).
5	Respondents referred to one or several *departments and/or colleagues* that were responsible for human rights and/or a particular area of human rights (such as 'human resources' for employee related commitments).
6	Respondents highlighted external *instruments or literature* as having formed or informed their understanding of human rights (such as UDHR, UNGC and ILO).
7	Respondents described particular *activities* the company carried out (such as staff volunteering, community development and supply chain monitoring).

6.2.1. *Human rights as broad, vague, abstract and conceptual*

The first construction of human rights represents a more general observation frequently articulated by respondents rather than a concrete interpretation *per se*. The idea that human rights represents a vague, broad and abstract concept was highlighted, perhaps not surprisingly, by all those study companies (three in total) that were yet to fully make sense of human rights and were in a state of confusion about its meaning and relevance. It was also a remark made by respondents in companies where human rights had been fully understood, interpreted and implemented. For these respondents, they appeared to

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[108] Interestingly, both (latter) companies not only had the same identical interpretation of human rights but (perhaps coincidentally?) they were the only companies in the study that had not developed a formal CR approach.

hold multiple (and seemingly contradictory) positions, namely that at a general level they recognised human rights to be a broad and conceptual notion but at the corporate level they had interpreted human rights in such a way that was meaningful, relevant and plausible for their particular conditions.

> *So given that it is such a broad subject area behind that there are numerous policies which help deliver human rights that range from how we expect our employees to behave, how we deal with customers to social and environmental risk assessment that we apply before investing in a large company* [FSa]

The first construction of human rights then, whilst not a concrete interpretation, does reveal something interesting about the understanding of human rights as well as the general impression that it conjures up for these companies (irrespective of whether it had been fully interpreted), namely that it is a difficult concept to understand owing to its abstract, broad and conceptual nature. Note that two particular strategies were used by respondents when articulating this view of human rights, firstly the perception of other employees in the company (as viewing human rights as vague and difficult to understand) and secondly, the terms and language used, or not in this case, (human rights as too abstract a term to use within the company).

6.2.2. Human rights as international realm and/or overseas business operations

Representing the most common understanding, companies conceptualised human rights as associated with the "*international stage*" (TCb) in conjunction with their business operations and activities in countries considered as having human rights "*challenges or abuses*" (EXc). This construction manifested itself in three different ways. Firstly, companies (seven in total) commented that human rights involved a global dimension in terms of its foundation (the United Nations and the UDHR in particular) and its association by those within the company and further afield with gross human rights violations in particular countries such as repressive state regimes (discussed further in section 6.2.6). These companies were keen to display this understanding and interpretation through means of ensuring a supply chain element to their formal interpretation of human rights but also recognised other interpretations alongside this which were not tied to country of operation.

In stark contrast to those companies, just highlighted, who considered their non-UK business operations to be an element of their human rights interpretation, a smaller number of companies (three in total) constructed human rights to be wholly associated with the international realm and particular non-UK countries. As eloquently described in the following two quotes, these companies believed that their business dealings, including third party suppliers, did not touch on those countries deemed high risk in terms of human rights. For two of these companies, then, constructing human rights in this way meant that minimal or no action was considered necessary. Another company, however, had taken action in terms of putting in place human rights considerations within their overall risk management framework and overseas sourcing protocols.[109]

> *...we kind of discussed it through but from a* [EXc] *Group standpoint. We don't hire minors, we don't have sweatshops, we don't, you know, all the main areas that you, we're on to child trafficking, you know, all the areas that really are raised in the Universal Declaration of Human Rights* [EXc]

> *... a lot of firms like ours within the professional services space were a bit cavalier on the human rights side because we think well, we have no supply chain, I'm not Primark, I don't have children in India putting beads onto sandals for me, I don't employ anyone under the age of 21. So we are pretty cavalier about stuff like that. Bribery, corruption, child labour, you know, we kind of think aachh doesn't apply* [BSc]

The third and final way in which this interpretation of human rights (as associated with the international realm and particular non-UK countries) transpired was by those companies aiming to either develop their business operations in certain countries or their activities were expanding rapidly overseas in countries viewed as potentially problematic in respect of human rights (as the two quotes below illustrate). As discussed in the previous chapter (Stage 1 of the SAO framework, section 5.2.1) for two of these companies this represented their main trigger for formally recognising human rights; that is, they noticed and considered an explicit human rights position and/or policy because it was considered vital for supporting the broader corporate objective of expanding into markets that were perceived to be in countries with poor human rights records.

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[109] Note that this company is used as a mini case study in the next chapter as illustrating (particularly well) all three stages of the SOA framework (see Chapter 7, section 7.5).

... it's really been driven [human rights focus and policy] *by the desire for international growth where you are more likely to potentially be entering a country that does not have the human rights that we perceive we have and therefore we felt we need to have something* [BSb]

We know where our hotspots of in terms of our business globally, we're growing like fury in China. And whilst things have improved enormously in China in terms of employment law and just managing and running businesses in China, there are some really ethical things that worry us about being in a country like that. You know you see people shot and murdered, its terrible things go on. So we know our hotspots, countries like China, Taiwan, India a little bit. Operating with businesses in India is just very difficult. Parts of South America, Brazil, I mean Argentina is fine, but Brazil and places like that [MEc]

6.2.3. Human rights as employees, workplace and human resources

Representing another very common interpretation of human rights companies highlighted, often together, their commitments towards employees and the working environment as well as referring to human resources policies or the department itself. Staff members, and responsibilities towards, was considered a key priority for companies as reflected in the details provided by respondents in relation to the specific duties and policies they had in place to protect (and promote) the welfare of employees such as anti-discrimination, equal opportunities, diversity, and health and safety as the most common areas highlighted. In this way, and relating back to Table 11, the manner through which respondents expressed and talked about this construction of human rights reflected three strategies in particular, firstly that of identifying responsibilities towards certain stakeholders, in this case employees (as number 3 in the table), secondly, by referring to a department (number 5) namely human resources, and thirdly highlighting their alignment with external instruments particularly the ILO Core (labour) Conventions (number 6 in the table).

Obviously we're got our direct employees and things that come into the business we need to make sure that our employment practices are completely aligned to human rights and we reference the International Labour Organisation in terms of defining and understanding what those human rights are [MEb]

We mainly concentrate on diversity and people's rights generally. Diversity is one of our really hot topics [HCa]

Of course away from human rights on the international stage it becomes more recognisable once we get beyond the term to the policies and practices in human resources and how we are dealing with our employees. So we'll talk about HR [human resources] policies, access for employees and customers, freedom from discrimination, equal opportunity, work-life balance, flexible working, diversity. So things like that [TCb]

We see human rights as more an issue for the workplace in terms of our staff policies, hiring practices and promotions - the workplace rather than operations [TCa]

The reasons given (for this interpretation) were often linked to the broader 'business case' rationale in terms of encouraging the retention as well as recruitment of high calibre employees (thus viewed as enhancing the company's profit margin). It was also justified, however, in terms of developing and/or aligning policies to better match the personal values and identity of employees. For example, one company stated that because a significant proportion of their staff had come from the public sector, bringing with them their "*public sector ethos*" (BSb), meant that they expected a high level of employee care and benefits. For another company, they explained that due to their legacy as being particularly "*staff friendly*" (TRd), and that since this was "*too engrained to remove*", employees had high expectations of the company around staff welfare which the company felt a responsibility and pressure to meet.

6.2.4. *Human rights as legislation, regulation and compliance*

The fourth interpretation used often by companies was the association of human rights with UK legislation and the legal domain in general. This understanding of human rights is closely linked to the previous interpretation (of human rights as employees, workplace and human resources) with companies often highlighting employees and/or employment law as a key area of regulation. Also in keeping with the previous interpretation, respondents would highlight the human resources department as the main site responsible for implementing and monitoring compliance with employment law (as well as the legal department).

There is very strong legislation, especially in terms of employment but also in terms of diversity, anti-discrimination, safety. But we also have a strong culture of fairness and equality here [MEd]

...we've got employees in there [the human rights policy] *and safety's one of those things that we have to do* [TRc]

It depends what kind of accountability [for human rights] *are you talking about. For example employees' health and safety has a very developed set of legalisation around it including penalties for non-compliance. But when you look at other areas there is no gold standard, it's an iterative process and you have to constantly re-examine what the values are and how to implement against those values, as well as the external environment* [TCa]

The key difference, however, between this and the previous construction (and hence why they are outlined separately) is the recognition or association by some companies that human rights contains a legal and mandatory element (albeit often using the example of employment law to demonstrate this), whereas in the previous interpretation employees are highlighted by companies as a key stakeholder and area of concern in their own right regardless of any legal requirement. Moreover, for a handful of companies (five in total) this aspect (legislation and regulation) was used as a way of thinking about and structuring their understanding about human rights, that is by distinguishing their legal and non-legal responsibilities (and in this sense then, it can be said to represent a form of sensemaking). This was also found to be the case for CR with four of the study companies structuring their (CR) approach and/or strategy by distinguishing between their legal and non-legal responsibilities and commitments. There did not appear to be a relationship, however, between human rights and CR in this sense, in that only one company applied this way of thinking (that is, separating legal and non-legal areas) to both human rights and CR.

Two further points of interest to note concerning this interpretation. Firstly, companies in the extractive and transport sectors were especially likely to associate human rights with the legal domain and hence a significant part of their understanding and interpretation of human rights was attached to regulation (particularly in relation to mandatory health and safety obligations).

Our industry is very very closely regulated and measured and monitored when it comes to health and safety and environmental issues, but we do a lot beyond compliance as well [EXa]

Secondly, only one of the study companies constructed human rights exclusively as compliance with UK regulation, with many companies stipulating they did or aimed to go above and beyond legal requirements.

> *In the UK our human rights practices both internally and externally are predominately guided by UK legislation* [TRb]

> *... at the end of the day the government is there to define the law. And in many senses the government is there to define the required minimum standards, make sure that society consistently adopts those minimum standard. What you have in business is something slightly different. A business takes that minimum standard and then looks to define what it is over and above that. So in terms of human rights, our ethical standards and the values and the types of decisions we make sit above and a lot of the things we try to do sit above the legal requirements.* [BSb]

Finally it is worth noting, more generally, that respondents were prone to using two particular strategies when talking about and articulating this (company) interpretation of human rights. Firstly, and similar to the previous construction of human rights (as employees, workplace and human resources), respondents referred to one or more departments (number 5 in Table 11), in this case both legal and human resources departments. Secondly, respondents talked about this construction by highlighting the policies, systems and protocols set up by the company to implement, monitor and manage compliance with legislation notably health and safety procedures (number 4 in Table 11)

6.2.5. *Human rights as general standard(s) or issue(s) of risk*

To recap, the four previous constructions of human rights represent the most common interpretations espoused by the study companies and the following constructions were stressed less often by respondents but are nonetheless still important to draw attention to.

The construction of human rights presented in this section is, in actual fact, two separate interpretations but are presented together because of their related but contrasting positions; firstly that of human rights as general standards, and secondly human rights

as specific (risk) issues. One respondent astutely recognised and articulated these contrasting positions and also stated the approach that their company favoured.

> *There are two ways of dealing with human rights. You set up an overarching framework which will deal will all the detail and act as a sort of guidebook or you address individual issues as and when they come along. We prefer the latter* [FSa]

The first (contrasting) interpretation of human rights, that of general standards, norms or principles, respondents used either to describe their companies' understanding of human rights more generally or as a set of overarching standards that applied to their business practices as a whole (as opposed to a particular stakeholder group or business operation). Thus words such as respect, fairness, dignity, values, ethics and inclusiveness were articulated and often alongside references to the UDHR as having either informed this view of human rights or that their understanding aligned with (the UDHR).

> *Yeah, values based human rights so dignity, respect, all that kind of stuff. Declaration of human rights kind of spirit of stuff, decency, ethics* [RTb]

> *I don't think there's any doubt that when we talk about human rights we talk about things like values, ethics, quality of daily life. And safety, dignity, respect is something that we use on a very regular basis* [HCa]

In contrast to human rights as related to general standards or principles guiding behaviour (in a proactive way), other companies considered human rights as a specific issue to be managed and/or as a future risk to the business (a more reactionary approach). The following two quotes illustrate this point particularly well, both expressed by respondents in similar industries (extractive and infrastructure) reflecting how companies in these sectors are more prone to displaying this construction (given the importance placed on risk management, assessment and avoidance by these industries).

> *...in a sense mining companies are very used to doing risk management so we just treat human rights as a risk and just as we have controls in for other kinds of risks whether safety, health, environment, engineering, integrity etc. just as we have control procedures in place for that we've put in place controls for human rights* [EXa]

...when we started looking at human rights there was a lot of questions why are we and it was not so much about we have this big risk that we need to reduce. It was we may introduce a risk to the business in future but by doing the work now we will actually not do so [IFa]

As well as the two companies above, another extractive company also stipulated that they adopted an issue-based approach to human rights (as well as stating that "*the overwhelming language is risk*", EXb). For example, they had identified certain human rights issues as posing a risk to the business highlighting in particular land rights, security forces and employee HIV/AIDS. This respondent, however, was the only person in the study to comment that "*[i]t's too much I recognise. There needs to be more about opportunity*" (EXb). Thus for this respondent (who had just joined the company), their company's risk based interpretation of human rights was excessive in their (personal) view, and whilst this respondent still understood human rights to be issue-based was aiming to change the emphasis of the company from risk to one of opportunity (thus suggesting, it is inferred, a move away from a reactionary to a more proactive approach).

Particular strategies were used by respondents when articulating their companies' interpretation of human rights. A general standards approach was framed in terms of external instruments, notably the UDHR (number 6 in Table 11). In contrast an issue-based approach was reflected either as company policies and protocols particularly risk management processes (number 4 in Table 11), or as certain activities the company carried out, notably risk assessment and monitoring activities (number 7 in Table 11).

6.2.6. Human rights as Government domain and Amnesty International agenda

The final interpretation of human rights relates to those companies (three in total) that associated human rights with the Government's domain, and public sector in general, particularly in relation to Governments possessing the primary responsibility for the protection of human rights (including regulating the behaviour private actors and organisations). Viewed in this way, two of these three companies considered any formal recognition of human rights to be a voluntary pursuit as reflected in the following quote.

The way we see it is that companies have no obligation to respect human rights. The State is there to protect citizens when a company does not respect human rights. Of course it's desirable that companies respect human rights, but there is no legal obligation [TRb]

This interpretation (of human rights as associated with the Governmental sphere) was also highlighted in a different way by respondents, for example several comments related to the Government as the main threat and perpetrator of human rights violations. This, in turn, was also linked to an 'Amnesty International agenda' as eloquently described by the following two respondents.

...but the natural reaction of our colleagues is generally to immediately think of things like the secret police and the army committing human rights violations in perhaps sort of akin to the traditional Amnesty International type campaign. I think that's the ...um... lens that people start to look at things through when you start talking about human rights [EXa]

It's because of the strength of the Amnesty mandate that people tend to think of human rights as death penalty, prisons, judicial process. You know, if you lose your leg in an accident frankly it is a human rights issue but I don't think most people really see that [RTb]

It is important to note that this second association of human rights (as repressive state regimes and the Amnesty International agenda) was not an official corporate definition but represented the personal views of respondents concerning how their colleagues in the wider company viewed human rights. It is highlighted here, however, as the implications of this (respondent) construction is discussed in more depth later in terms of why particular terminology, language and labels were selected and used to refer to human rights within the corporate setting (see section 6.3.2).

The final aspect to note is the way in which respondents articulated and expressed these two different interpretations just discussed (pertaining to the corporate and respondent level constructions). In relation to the company level understanding of human rights as a Government responsibility, respondents referred to particular stakeholders (in this case the Government),[110] whereas the second construction representing the personal views of respondents (that of viewing employees as associating human rights with state

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[110] Although not in the sense that these companies considered having a responsibility *towards* this stakeholder, in fact the reverse is suggested in this case, namely that the Government had the main responsibility for human rights, not companies.

abuse) demonstrated clearly the strategy of referring to the perceptions and interpretations of human rights by others, in this case employees.

6.3. Human rights: language, terminology and labels

Having described the different constructions, interpretations and meanings that companies assigned to human rights, the second major part of this chapter focuses on the language, terminology and labels selected and used by companies to describe and interpret human rights. The intimate and overlapping relationship between the interpretation of human rights and the language used to construct and convey this meaning was partly illustrated in the previous section when outlining the different interpretations of human rights. For example when respondents expressed their personal views about what human rights means to employees (as seen in the final construction for example, that being State abuse and the Amnesty International mandate) and also illustrated by how respondents expressed their companies' formal understanding of human rights such as referring to the terms the company used or rejected (as seen in the first construction for example wherein human rights was viewed as too abstract and conceptual a term to use).

Given, then, the central role that language and communication play in the sensemaking and organising process (in that disorder or flux is reduced and made meaningful through words, interaction and verbal exchanges), this section presents a more in-depth examination of the terminology and language used within the corporate setting. Note that unlike the previous section which focused predominantly on the interpretation of human rights at the company level, this section contains considerably more of the personal opinions and views of respondents given the nature of this particular topic, namely how respondents used language and their assessment of language and terms used by others in the company.

6.3.1. The "nonsense" of language and terminology

Before the terminology and language used within companies is described, a minority of respondents commented that official terminology *in general* was not of great significance to them or their colleagues as suggested in the following quotes.

I'm a real believer in there's a lot of academic stuff, there's a lot of terminology and that's great for the intellectuals but for practical's sake let's get the job done, we don't have the time. It's keep it simple stupid. I tend to try and decode a lot of it and just make it relevant and relevant to what the language that the business is using [MEb]

… things don't change dramatically, they just change in terminology. That's what I've discovered. It's just a different way of articulating it. [BSb]

… to be honest it's just a change of a label, it doesn't actually change what you're doing underneath which is trying to make your core products, services, interaction with stakeholders more responsible [TCa]

One respondent, above all, particularly struggled to understand the question (regarding the language and terms they used) and after further clarification[111] became extremely animated and somewhat annoyed by the question, more so than any other respondent.

Honestly though folks? It's all nonsense! Seriously, it's all bloody nonsense! Strongly recommend you don't even get hung up on this stuff. The terminology and the lexicon, not terribly important. Really isn't. I don't see anybody really getting hung up on terms and definitions [RTa]

This respondent then proceeded to illustrate their frustration by giving an example of a recent meeting with the UK Government, stating that;

...there was so much emphasis on protocol and emphasis on the right word or the right definition. And the whole meeting was taken up, we spent an hour talking about a suggested name for a forum that was being set up. What an absolute bloody nonsense! We don't have the time to, it's more to do with working definitions and as long as there's a general feeling that yes this is what we mean that's what's important [RTa][112]

Thus for this company, and others, terminology was considered to be a topic of academic interest and not a pressing issue in the business or "*real world*" (FSb). Of greater importance was that terminology and language remained flexible, relevant and meaningful in order to communicate and convey a message as quickly and efficiently as

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[111] Quite conveniently, this was clarified by pointing out the signs in the room where the interview was being conducted (that being near the participant's desk within in a large, open plan office consisting of around 80 people). Thus by way of clarification I said, "*Well, I'm just looking up at your headings, so corporate affairs, the trading floor, risk management, sustainability…*". The respondent then understood the question.

[112] Interestingly, this was the only topic that caused this respondent to swear (twice in fact) again signifying his frustration and irritation with the discussion.

possible. Another interesting and intriguing example of a participant's response to this question is highlighted here particularly because of its contradictions. Similar to the response just described above (from RTa), this respondent also became fairly animated by this question,[113] stating that:

> *When you talk CSR, SR, CR, sustainability, citizenship, nobody really understands it. ESG, you know, it's all just the latest label to slap on. And you have to do a big comms campaign about changing it, it's a label is what it is. It doesn't really matter. I've got better things to do with my time really* [FSb]

Following this, however, the respondent then proceeded to explain why the company had decided to use corporate responsibility as opposed to other terms, namely sustainability ("*difficult to report against*"), corporate citizenship ("*well its American*"), social responsibility ("*something that applies to a general population of people, of society, social*") and corporate social responsibility ("*the social aspect gives immediate connotations* [to others] *of charity*"). This was followed by the respondent repeating once more that vocabulary had little bearing on what or how they carried out their (non-financial) responsibilities whilst also emphasising again why CSR in particular was a problematic term.

> *So it's all window dressing really in a way but there's no real significant difference of methodology, ambition or anything like that. People get very hung up on this but it's very easy to get the wrong perception because if you say CSR then staff think of volunteering as a CSR day. It has a much more happy, clappy feel about it but if you just talk about responsibility it's a much easier language for everyone in the business* [FSb]

The respondent's contradictory remarks and actions suggest that despite the numerous assertions that terminology and vocabulary were not of great consequence, the reverse was actually implied and that language was in fact important to the company *and* to the respondent (in terms of the official label they used). Another interpretation of this contradiction is that the respondent on a personal level considers the topic of language and terminology to be unimportant but recognises that other people perceive and attach different understandings and meanings depending on the vocabulary used.

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[113] Although not quite as animated as the RTa respondent, and certainly not to the point of swearing!

Despite the minority of comments that the vocabulary used within companies was not important, respondents on the whole explained in varying degrees the terms their organisations used (or not) and why, suggesting that language is a significant issue to respondents and their organisations (and is now focussed on in more depth).

6.3.2. Use of 'human rights'

A key focus of the interviews concerned whether companies and/or respondents used the term 'human rights' within the corporate setting. A complex and intricate picture emerged particularly in terms of the difference between its formal and informal use, that being formally it was used (in official corporate documents) but not informally (in day-to-day communication).

In relation to companies who used the term 'human rights' in an official and formal capacity, respondents often expressed this formal use of the term referring to its location within corporate structures and systems such as a stand-alone human rights policy, position or statement (twelve companies in total) and/or the term 'human rights' as explicitly referenced within other policies or priority areas (five companies in total)[114] such as workplace health and safety and supply chain management.[115] The term was not used, however, as an overarching label to structure or present companies non-financial activities or approach. A number of companies (nine specifically) articulated that the overarching term they had selected (the most popular being CR, followed by Sustainability and CSR) had been used as a way of organising and combining together existing themes and strands within the company (as the quotes below indicate). This offered a number of benefits, examples given were being able to communicate more easily the non-financial areas the company considered important (both internally and externally), helping to structure, arrange and bind together disparate areas or activities, and identify and drive improvements within these areas. Note that all but one of the nine companies stated that CR not only served as a useful umbrella to arrange existing

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[114] The five being RTa, EXb, MEb, TRd and MEd.
[115] Of the remaining five companies without either a human rights policy or human rights element explicitly incorporated within other policy areas, two were developing a human rights policy (Bsa, MEa), one stated that existing areas or policies already complied and aligned with human rights (but no specific mention of human rights contained within) (TRa), and two companies had neither a human rights policy nor incorporated human rights within other areas (TRb, BSc).

policies, areas and activities, but it had led to a number of improvements and developments in these areas.

> *... the benefit of having a formal CR approach is that we pull it all together it enables the communication and it enables us to see the gaps and then drive the improvement* [MEb]

> *...about 3½ years ago now our global managing partner I think found corporate responsibility to be something that helps to bind the firm together and improve the firm's own reputation in all of its communities. I think he wanted to draw together the strands of a lot of that work and say is there something more thematic we could be doing. So there was just more of an effort to centralise things and put a global umbrella over a lot of these endeavours and communicate that across the firm* [BSc]

> *I think the whole corporate social responsibility has got a much higher profile and we've been doing a lot of these things for a lot of time but now you've got it under a heading and that's what I think has helped us. Its when you put a name or title on it, people look at it more closely* [MEc][116]

Returning to the use of the term 'human rights', none of the respondents stated that they or their colleagues used 'human rights' on a day-to-day basis.

> *It gets used very rarely and if it gets used at all it's usually by me. And we tend to focus on the components of human rights rather than human rights itself* [IFa]

> *Yes, we have a human rights policy statement that applies across the group but human rights is not used in everyday communication. It's about how people perceive the reality of their environment. So membership of a union is something that people can do in* [TCa], *but they wouldn't see it as being labelled as a human right* [TCa]

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[116] This quote also highlights another interesting facet about language but in relation to the terms that respondents themselves used during the interviews, particularly the interchangeable use of different terms (albeit for a small number of respondents). For example, in this final quote, the respondent refers to CSR and even though they consistently used this term throughout the course of the interview they stipulated that the official label adopted, both internally and externally, was that of CR (note that this was supported by the company's official documentation, all of which referred to CR). Two other respondents also used different terms in a seemingly random manner; random in the sense that respondents did not appear (to the researcher that is) to select particular terms deliberately so as to reflect the issue being discussed or the point being made. Thus one respondent used in equal measure CR and CSR, this despite stating that CR was the official label adopted by the company (BSc); and another respondent used a range of terms (more so than any other participant) which included labour standards, supply chain, ethical standards and (to a lesser extent) CSR, but with sustainability being the official corporate label (RTa). In this (latter) case, however, the respondent considered the topic and discussion about language within companies as "*all nonsense*", so it is perhaps not surprising that they used a number of terms during the interview (perhaps, even, to demonstrate their point).

In contrast, respondents highlighted that terms such as CR, CSR and Sustainability (the formal, official corporate labels) were used as part of the day-to-day language within the company either by the team itself and/or in communication with the Executive Board. Also a small number of companies (three in total) stipulated that the terms CSR and Business Ethics were used or known within the company in general (that is, external to the team). In terms of the label human rights not being used within companies, three main reasons were outlined by interviewees. Firstly, the history, traditions and culture of the organisation were such that specific terminology and language had developed and evolved over time within companies. Terms such as risk and health and safety (of employees) were areas frequently highlighted as having a long legacy and culture within companies and were well known, understood and used on a daily basis.

> *... we've not force fed people human rights. It's very difficult to describe because people think safety, so there is a definite safety culture in the company which dominates. So we'll talk about say that's a human right, but people in the company talk about safety so that's the language we use, that's what we focus the effort on* [IFa]

Secondly, respondents deemed human rights to be an abstract, broad and vague term and thus particularly challenging as a concept for employees to comprehend and grasp the relevance of in their day-to-day activities.

> *If you were to go out and talk to our contract managers who are running very large contracts several thousand staff etc. about current day human rights issues they probably would look completely blankly. Its too broad, as a subject he'll switch off. It's got to be something that people can relate to and have meaning. So, talk to them about equality of opportunity, equality of remuneration, safe work environments, social inclusion all of these sort of things then they would probably understand and be able to answer you. But it wouldn't be done under the banner of human rights* [BSb]

> *... if you're educating all employees in human rights there's gonna be a lot of middle management in the business saying why the hell are you doing this, why wasting time? I do pet insurance, what's human rights got to do with pet insurance or I do motor insurance in Ireland, what relevance is this to me?* [FSb]

The third reason outlined by respondents for the term human rights not being used in everyday corporate language was its negative portrayal in the UK media. As the

following quotes suggest, the media depiction of human rights as a 'problem' or impediment informs and affects how employees, as well as respondents themselves, view human rights.

> *It comes back to terminology - what does human rights mean in practice? Human rights has got a bad press and human rights education in the UK has come through the media - which does not give a balanced context* [TCb]

> *I think the challenge with human rights is that frankly that the phrase human rights have got a bit of a bad press in business. It's been used as an excuse for doing some things. And become an obstacle in some cases towards some real progress. And no I don't think any, you know, any respectable company is not going to debate the child labour issues or the major issues there but we do get a lot things now that are thrown at business as being an abuse of somebody's human rights when in fact it's just really a disagreement between an individual and another individual in the company* [EXc]

> *...I think that's, dare I say, an easier issue* [the environment] *because it's out there in society, it's got a positive image whereas human rights unfortunately I think in the UK doesn't have a positive image where the media's not really necessarily helped. So people see human rights as a hindrance rather than something they need to take personal responsibility for whereas the environment it's quite cool. But that doesn't mean that human rights won't get to that space either. I just think that again the language isn't the best* [BSa]

The three reasons outlined above reveal two different processes leading to the human rights term not being used informally within the workplace. The first relates to companies that have made an explicit decision to avoid its use (explored further in the next section, 6.3.3), and secondly, those companies where no such formal agreement exists but has developed more implicitly and organically (as seen in the first reason given, namely that other terms have evolved to be historically important and familiar to the organisation). In both cases, however, respondents described their efforts to translate and adapt the human rights concept and term into language that was meaningful, well-known and grounded in the everyday experiences of its members.[117]

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[117] This was also the case for CR, and whilst the 'official' label was generally durable (in that companies seldom changed the formal term), internally it was much more varied and tailored to suit the conditions and vocabulary of particular employees and departments. In terms of official titles, one company (MEd) is a notable (and interesting) anomaly of the sample having changed labels three times in a relatively short space of time (from CSR, to CR and then Sustainability). It is unknown, however (and would be interesting to explore), whether each new title resulted in any significant developments or improvements in these areas, or if it was more the case of, as aptly put by Cramer et al, "*merely putting old wine in new barrels?*" (2004: 215).

Note that the following quotes highlight this and also demonstrate particularly well the close association between terminology used within companies and the meaning and interpretation of human rights. For instance in the final excerpt, which shows an exchange between two respondents, human rights was associated with health and safety of employees and the Amnesty International agenda.

We translate it down into policy, so I guess in that way we use the term human rights but mostly we translate it into different language to explain what we mean by that, such as equality, diversity and inclusion [TCb]

... we look at how the human rights aspects are then, then affect our employee rights and actually rather than look at it as a separate issue which is try and embed those concepts that we need to within other areas [TRc]

Respondent 1:   *... most people think human rights is like the Amnesty agenda. They do not think the right to health and safety, they don't see it as a human rights issue whereas I do.*
Respondent 2:   *No you have to make it real for them in their work...*
Respondent 1:   *... it's topic based, it's issues based, it's opportunities based, otherwise they would turn off and say well why do I need to be bothered about that, that's somebody else's thing I'm not torturing anybody.*
Respondent 2:   *They certainly wouldn't see the pension thing you were talking about as a human rights issue at all.*
Respondent 1:   *The one that we've just talked about this morning, the work-life balance, they don't see that as a human rights issue either so we or I might see it as a human rights issue but they would not.*   [RTb]

The comments above highlight not only the variety and richness of informal language exercised within companies, but they also hint at the flexibility and adaptability of language to suit particular purposes. Typically this reflected *how* respondents talked about language - in that they would first articulate the terminology the business used and then quickly move on to examples of which terms they used, with whom and why. This revealed a more strategic use of language by respondents, and indeed this was explicitly recognised and highlighted by many who talked about the importance of adapting and customising language in order to secure 'buy-in' from senior management as well as employees in general. As demonstrated in the following quotes, respondents at times adopted a marketing role within their organisations, effectively 'selling' human rights by framing it in a certain way that resonated and obtained traction.

... the way we sold it inside the company was human rights is just another risk. Being an engineering company we love risks and risk management etc. so we talked risk. And we were able to go to the Board and say human rights this is what it's about, mostly got it covered, couple of areas we need to understand better. And because of that approach rather than human rights scary thing, we fitted it in with the language of the company and it got the support and we had the mandate to pursue it further [IFa]

So really you have to use the language that will engage with them. Your job is kind of a marketing, cheerleading and an admonishing one when needed and being the agent provocateur in the room, being an entrepreneur, really trying to wake people up and change the way they think about sustainability so that they own the outcome because otherwise you'll only ever put up a veneer on what has been done so you're trying to mobilise people as well. So essentially it's a translation role and internally there are very few people who understand, there are very few people who have the depth of understanding of the position of the company and of external expectations [EXb]

To gain this support from colleagues, an important way that respondents framed 'human rights' was through a commercial narrative. They did this by aligning their proposals to the broader aims and objectives of the organisation particularly appealing to the (perceived) overriding objective that all corporate activity (including supporting human rights) should provide some form of economic return. Whilst two respondents expressed their discomfort with the commercial and 'enlightened self-interest' rationale,[118] other respondents considered it pivotal in granting them a high level of influence and control over the human rights (as well as CR) agenda within their organisations.

There has to be some kind of commercial benefit that you can argue for or you will just not get enough commitment within the organisation to keep things going [BSc]

I think there's no limit to what you can do, it's more about how you do it, how you pitch it to the CEO. It's like any business function needs to pitch for budgets to do anything. We're no different to that [FSb]

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[118] Both respondents had managed to reduce this discomfort by reconciling their contrasting private and public positions in different ways. The first respondent did this by combining both positions believing that "*at the end of the day the two go hand in hand. It's a win-win situation and you do actually get the benefits from doing the right thing*" (BSb). In contrast, the second respondent (EXb) continued to view them as separate and opposing positions but recognised the practical value in using a business case language in their professional role whilst retained their private belief of a morally grounded rationale (the right thing to do).

I'm quite happy to use the language of the business case because as a company [EXb] *uses a business case framed language both externally and internally, so it's more believable than saying well this is the right thing to do, we should be doing it* [EXb]

In summary, most of the study companies had recognised human rights in a formal sense, but internally it was repackaged in different ways for different people using different terms. To conclude this sub-section, an interview extract is presented showing a participant talking about "*making the case*" and is interesting not only for this respondent's display of reflectivity (more so than most), but it highlights many of the issues discussed in this section, namely the strategic use of language to 'sell' an issue, presenting and packaging a message in a certain way and private aspirations versus those of the company.

... you try making the case as to why it's the sensible thing to do but you know it's not easy to make those cases. There are certain areas where I still haven't managed to convince management to open their purse strings. But that's because I'm sort of conscious I haven't really quite struck a chord yet. Maybe I haven't said it in the right way or stressed enough things like the bottom line and reputational value. Maybe it's just not a good idea. Maybe it's not that I'm right and have failed to persuade everybody else of my correctness, but just have to be some things which I'm interested in which are not in accord with the broader thrust of the company. But I think if you can make the case and you can help people understand why these things are important for the future of the business then you're half way there [EXa]

6.3.3. Rejection of 'human rights': two illustrative cases

Of particular interest to this study were companies that explicitly chose to avoid using the term 'human rights' in any formal or informal communication (five companies in total).[119] Two companies are highlighted here by way of an example and are particularly

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[119] That said, of these five companies, three had in fact established a formal and public human rights document of some kind; that being a public position (IFa), a standard (BSb) and a policy (RTb). Whilst this appears to contradict their stance of not using human rights formally, one company recognised this contradiction and offered an explanation which is outlined in this section (but this anomaly remains to be explained for the other two companies, although for RTb it was highlighted in the previous chapter that they felt human rights had lost its visibility within the company, partly demonstrated by the respondent struggling to physically locate their human rights policy, thus it is inferred that despite having a formal human rights policy, the use of this policy as well as the term 'human rights' no longer had much salience within the company).

interesting for their contrasting and very different explanations for rejecting the term 'human rights'.

The first illustrative case that rejected the term 'human rights' did so for two reasons. Primarily the term was considered to be perceived by others (both internal and external to the company) as associated with the UK Government (that is, they interpreted human rights as a government domain). For this reason they refrained from using human rights either formally or informally so as not to be perceived as connected with the UK Government and the public sector in general.

> *We don't think of it or talk about it as human rights very deliberately because there is this confusion that's its perpetuated deliberately by the press that we are public sector. We are very much private sector. And it doesn't stop people bringing claims against us, claiming under the Human Rights Act. But so we very deliberately don't use that as an expression. What we do is seek model the relevant parts and principles behind it through our corporate responsibility programmes* [TRa]

The respondent also outlined a second reason concerning why the company did not use the term human rights and in doing so highlights another interpretation linking it to the Amnesty International agenda.

> *... so by using that expression you alter behaviours because people quite often think human rights slavery, torture, the Amnesty International type of issue etc. So personally I would be very disappointed if this company felt it ought to or it was forced to embrace very specifically human rights and attach that terminology to it. What it's got to do is embrace the principles that are relevant to it as a business* [TRa]

A particularly interesting 'moment' took place during this interview and is highlighted here for the way it provides further insight (and context) into this company's stance towards the term 'human rights'. This moment took place towards the end of the interview wherein the respondent, after having stipulated several times during the interview that they avoided the phrase human rights, became quite irritated by the repeated use of the term 'human rights' by the interviewers.[120] When asked, in this case by the Director of TwentyFifty, *"so, this is the broad canopy of human rights, all kind of different issues come up?"* the participant reacted by turning to the other interviewer

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[120] Note that this interview was conducted as part of the Ministry of Justice project and two interviewers were present (myself and the Director of the consultancy TwentyFifty).

present (that being myself) stating *"he keeps mentioning those words!"* Even though the respondent laughed while delivering this response it was evident they had not found the interviewer's question amusing and were clearly annoyed by these *"words"* continuing to be used. Following this exchange, and for the remainder of the interview, the respondent avoided the term, instead referring to human rights on two occasions as *"the HR word"*. It was apparent (to the researcher at least) that the term 'human rights' represented a particularly sensitive topic for this company, a company that (as outlined by the respondent at some length during the interview) had invested a significant amount of energy and resources into constructing an image of the company as that of a profit-making and private entity, distinct from the public sector and any Government control.

A very different explanation was offered by the second example of a company that had rejected the term human rights. As the respondent explains in the following quote, this decision was based on their previous experience of developing and establishing the company's CR approach.

> *In hindsight I'd probably do things slightly different now in the sense of what you've tended to end up with is, it's been viewed as off to one side of the business, oh that's the CSR thing, rather than being the core. So human right is dealt with more by the natural management processes that exist in the organisation rather being something off to one side which in many senses is how it ought to be because you actually want it to be a natural part of decision making and not as something that is a bolt on* [BSb]

Due to this association by others (of CSR as something peripheral to the company's operations) they had replaced CSR with CR so that it was perceived as "*just a natural thing to do as part of a management process*".[121] As a contradiction, this company had also developed a formal human rights 'statement' (a contradiction in the sense that they claimed not to use the term *formally* as well as informally) but this anomaly was not identified or explained by the company. This contradiction was also found in another company but by contrast they recognised this paradox and explained that their human rights 'public position' had been developed specifically as an internal document as a way of communicating to the company's management "*what human rights is or are,*

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[121] Note that five other companies had also opted for CR over CSR and all gave the same explanation, namely that CSR was perceived (by employees predominantly) as being voluntary, charity focussed and something peripheral to their core business functions and operations.

this is what it means to companies like IFa, this is what we're doing. So very high level stuff" (IFa). In this way, the respondent did not recognise this to be a formal use of the term human rights (despite the public position then being "*put in the public domain*" via their website).

6.4. The content and reach of corporate responsibility for human rights

In clarifying the meaning of human rights, the companies studied here also developed a sense of *which* human rights they considered important, and *what* responsibilities they had in relation to them. This section focuses on the result of this process and provides an overview of the human rights commitments formally recognised by these companies. Whilst this was part of the interpretation process, it also acted as a (sensemaking and organising) bridge between the general meaning of human rights (Stage 2) and the realisation of this understanding in practice (Stage 3). Thus, by translating the general meaning of human rights into specific commitments and responsibilities, it provided companies with a foundation from which they could set goals, put structures and processes in place and measure performance (discussed in Stage 3).

Table 12 provides an overview of the human rights commitments made by 18 companies (out of 22)[122] and details only those areas explicitly referred to as human rights (and not those inferred from other areas or terms used, which are discussed later). It uses largely 'emic' categories (the terms used by companies) and is based on interview data as well as corporate documents (such as human rights policies, annual and corporate responsibility reports, and other formal policies).[123] As reflected in the table, the first observation to make is that companies did not present their human rights responsibilities as a general list, but predominantly identified and structured them according to different stakeholder groups. This is not to imply that companies only structured their human rights responsibilities by stakeholder group, as they also, to a lesser extent, identified human rights by different issues and themes. But, importantly,

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[122] Four companies were excluded from this exercise:- three had not progressed to this stage (as were clarifying the meaning of human rights) and one company had decided to avoid all references to human rights in any external and internal communication.
[123] Whilst the interview data provided the study's main source of information, corporate documents were also used to ensure that all corporate commitments for human rights were catalogued. It then allowed the interviews to focus more on the reasoning behind this ('how' and 'why' companies prioritised these rights over others).

this was largely conducted in relation to, or as well as, identifying their responsibilities towards different stakeholders. Two groups in particular, that of employees and suppliers, received significantly more (human rights) attention than other stakeholders, and particularly in relation to areas considered classic labour rights (such as anti-discrimination, safety and collective bargaining). Also, the labour rights most referenced reflect the four fundamental labour rights set out in the ILO's 1998 Declaration (as outlined in the literature review, section 3.4).

Table 12. Corporate Recognition of Human Rights by Group (n=18)

	Employees	Suppliers / Supply Chain	Community	Consumers / Customers
Non-discrimination	16	12	0	2
Freedom of association / collective bargaining	16	9	0	0
Safety / safe work environment	15	9	3	2
Free from violence / harassment / intimidation	14	7	2	3
Free from slavery / forced labour / child labour	13	12	0	0
Equal opportunity / diversity / inclusion	12	1	0	0
Fair / living wage	12	5	0	0
Health / well-being	6	0	2	2
Equal pay for work of equal value	5	3	0	0
Anti-corruption / bribery	3	0	0	0
Privacy (of data)	0	0	0	3
Product does not violate human rights	0	0	0	3

Though not represented in the table, certain commitments were clearly linked to the type of business activity undertaken. For example, telecommunications companies focussed heavily on protecting customer's privacy and data; retail companies provided much more detail on the labour standards they expected, as well as auditing procedures, of their suppliers; and, extractive companies stressed more than other sectors the health and well-being of local communities. Extractive companies were also noteworthy, along with one financial company, for recognising the broadest range of human rights both in general and in relation to stakeholders (with at least four groups acknowledged).[124]

Whilst interesting to note the human rights mentioned (and to whom), equally interesting, and arguably more important, was the depth or reach of these commitments.

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[124] This is not surprising (to the researcher at least) given that the conduct of all three companies has been, and continues to be, subject to intense scrutiny and criticism by the public, media and NGOs.

Overall, the approach adopted by the study companies towards most rights was generally a passive one, reflected in the language of 'respect', 'not knowingly impinge', 'mitigate any harm', 'identify negative impacts' and 'do no harm'. Nonetheless, participants were keen to highlight areas where they exceeded, or aimed to surpass, societal expectations and/or state regulation. Two areas stressed, and common to all types of companies, concerned the safety of employees (and/or ensuring a safe work environment), and equal opportunities and diversity (notably recruiting employees from disadvantaged groups particularly women, ethnic minorities and people with disabilities). Whilst some respondents did point out that both areas have received much political and regulatory attention, particularly in the UK, they were still eager to stress that their company considered one or both areas to be morally important (the right thing to do). Other areas that companies stressed (as surpassing expectations) were tied to certain conditions or social problems in countries and/or regions in which they operated. For example, both extractive companies highlighted their provision of free HIV screening and antiretroviral treatment for South African employees and their dependents. Another company stressed the inclusion of higher labour standards than legally required for business contracts in emerging economies so as to address the lack of state welfare in areas such as pension provision. And finally, both retail companies outlined the pressure they had, as a consortium of retail companies, exerted on the UK Government to address forced labour in the UK agriculture sector and the setting up of the Gangmasters Licensing Authority (GLA).[125]

Analysing these corporate commitments in light of the study's conceptualisation of human rights (summarised in Diagram 11), the area of autonomy represents the interest most recognised in terms of the corporate references to those UDHR articles that reflect and protect this interest. This is both a positive finding and one to be expected, given that freedom is considered one of most important human interests protected by human rights and is enshrined in the language and history of human rights (particularly the freedom *from* interference and abuse). Moreover, these freedom based human rights have long been legally protected (particularly in international law and in many national regulatory frameworks) and have been addressed extensively by the ILO and other

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[125] The GLA was set up in 2004/5 by the UK Government to address the exploitation and mistreatment of casual workers in the agriculture, horticulture and shellfish industries. It grants licenses, sets standards, and monitors those (gangmasters) supplying labour in these areas, and includes, since 2010, the power to prosecute those found using forced labour and debt bondage.

business initiatives (such as the UNGC). Having said that, the fact that slavery and forced labour were not mentioned by all companies is a concern, considering that it is widely considered to be a (rare) human right with non-derogable status (must not be violated under any circumstance). Three companies did explain this omission; two argued their products and services (insurance and legal representation) did not involve or impact on slavery and forced labour, and one stated that the company operated solely in the UK where slavery was a not an issue. Note that this latter reason contrasts sharply with the two retail companies highlighted earlier as having identified slavery and forced labour to be an issue within the UK (and their supply chains) and triggered them to put pressure on the UK Government.

Diagram 11. PhD Conceptualisation of Human Rights

Interest	UDHR Articles
Autonomy	• Freedom from discrimination (A2) • Freedom from slavery or servitude (A4) • Free to form and join trade unions (A23/4)
Life and well-being	• Right to adequate standard of living including food, clothing, housing and medical care (A25/1) • Right to work, equal pay, just and favourable remuneration (A23/2-4) • Right to education (A26/1)
Physical security	• Freedom from torture or cruel, inhuman treatment (A5) • Right to just and favourable work conditions (A23/1) • Freedom from arbitrary arrest, detention or exile (A9)

In terms of physical security, the recognition of two human rights was particularly high: that of workplace safety, and freedom from violence, harassment and intimidation. As highlighted above, the commitment to workplace and employee safety was an area where companies aimed to surpass legal requirements, and many prided themselves on being externally recognised for their safety performance and approach. Much less coverage was observed by companies for (freedom from) arbitrary arrest, detention and exile. This is not surprising, considering this is a classic political right and one developed from, and (implicitly) directed towards, the protection of citizens from state abuse. That said, four companies did recognise this right but in relation to the 'risk' of complicity with state violations (thus not resulting from direct or deliberate corporate action). This was recognised by two sectors in particular: both extractive companies

highlighted the use of state security forces (when, for example, protecting staff and assets during a protest), and telecommunications companies acknowledged that customer data requested and used by state agencies could impact upon this right.

Finally, the area of life and well-being received the least amount of attention overall by the study companies. However, one right in particular, that of equal and just remuneration, was fairly well recognised, particularly just remuneration (a fair wage) although the exact meaning of this was notably vague. For example, some equated this with meeting national legislation ('minimum wage'), whereas others expressed going above legal or customary levels of pay or that wages should be sufficient to allow people to meet their basic needs. This latter example (of meeting basic needs) is also a good illustration of how companies related to the right to an adequate standard of living. Thus, whilst no company assumed responsibility for the provision of food, shelter and clothing (the component parts of an adequate standard of living), some did recognise the indirect contribution they made through the provision of employment (including a fair wage) particularly in developing countries, thus allowing people to meet, secure and enjoy a sufficient standard of living. Health care was the only element (of the right to adequate standard of living) that a small number of companies directly recognised as being a human right commitment, particularly in relation to the health and well-being of employees. Apart from two extractive companies mentioned earlier (that provide HIV treatment for South African employees), companies were generally vague on what this entailed beyond general statements that they aim to promote employee well-being (which suggests, with the emphasis on 'promote', they saw their role as one that supplements health care rather than providing any specific services). The right to education was another area not generally recognised by companies and the two companies who did mention this right did so indirectly (thus not as a responsibility). Similar to adequate standards of living, these companies stressed the supportive role their business played, although not through employment, but through their products and services (as providing people with greater access to education and employment opportunities).

The latter point exposes a particular drawback of this study's conceptualisation of human rights; that it was difficult to account for (and measure) the indirect contribution

companies make towards the protection (and promotion) of human rights.[126] A good example of a positive and indirect contribution, and one that particularly surfaced during the interviews, was the involvement of many companies in collaborative forums and initiatives (such as the UN Global Compact, Business in the Community and the Ethical Trading Initiative). As highlighted in the previous chapter (section 5.3.3), participants found these channels helpful when clarifying the meaning of human rights as well as hearing about new trends and potential 'risks'. For a smaller number of companies (six in total), they also provided an avenue to identify, discuss and tackle industry and/or country specific human rights issues: issues which, they argued, their business could perpetuate or expose them to negative public scrutiny. Industry codes of conduct appeared to be the main result of these collaborative efforts (or reflected the outcome that was articulated by respondents) which focussed on setting and improving standards either generally or in a specific area (child labour was an area mentioned by manufacturing and retail companies particularly). Participants were not clear about the impact of such efforts and indeed the role that companies should adopt in addressing underlying structural factors, as one participant commented (in relation to systemic and historical inequalities in the countries they operate):

> *... exactly how can we be responsible for these things especially in countries like say Pakistan or China. We're so small in that game that's being played out in those countries politically, socially, economically, how the hell can we begin to influence it?* [RTb]

The final point to make, and as already highlighted, is that this section focussed on and documented the areas that companies articulated as being human rights commitments and responsibilities. It did not infer or supplement these with statements or commitments made in non-human rights terms (such as those included within a company's CR or sustainability approach). Whilst it was vital to focus exclusively on human rights, since it indicates how companies interpreted human rights, as the following chapter illustrates, for many companies human rights was incorporated within a broader CR approach (14 in total). It is important, therefore, to recognise the interaction between human rights and CR and three key observations can be made

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[126] Although this is a general methodological weakness in the human rights concept (and by extension human rights research) in that it is easier to identify cases of direct harm and abuse conducted by a single perpetrator than it is to measure indirect and/or structural causes of harm involving several actors as well as gauge the impact of collaborative, supportive and contributory efforts towards the (positive) enjoyment of human rights.

concerning this relationship. The first relates to the different branches of CR that companies associated with human rights. This was particularly noticeable in corporate documents (such as annual and corporate responsibility reports) with companies placing human rights mainly within sections addressing stakeholders such as (and in order of frequency) employees, suppliers/supply chain, communities and consumers/customers. In only a handful of cases were human rights presented separately (as part of an ethics section for example), and even then these directed readers to various stakeholder-related sections of the report. Not surprisingly, this placement of human rights reflected the findings presented earlier (that human rights commitments were largely arranged by stakeholder group).

The second observation, and linked to the previous point, is where human rights did *not* surface in relation to CR. Three areas particularly stood out (as rarely including human rights), that of the environment, product responsibility and economic responsibility (sometimes termed social/societal value). Of the three areas, the environment is particularly interesting in that, along with employees, all 14 companies recognised this area (as having a responsibility towards), but in stark contrast to employees only one company recognised human rights as part of the environment (and even then it was confined to a right, by communities, to access clean water).

The final point to make (of the relationship between human rights and CR) is that most companies did not associate the 'community' branch of CR with human rights even though much of this work contributes towards the fulfilment of many basic human rights. For example, companies detailed (often at length) the array of voluntary activities, charitable donations and sponsorships they supported such as educational programmes (for disadvantaged children and the long-term unemployed), micro-financing projects (particularly for women), social inclusion initiatives (homelessness, substance abuse and mental health), poverty alleviation schemes (clean water, housing and clothing), and infrastructure development (building schools and hospitals or sponsoring of staff). These examples relate to many basic human rights either directly, such as education, work, health and adequate standard of living, or indirectly, such as enhancing the general autonomy and dignity of people through empowerment and social inclusion. Reflecting on this in relation to the study's conceptualisation of human rights and the three basic areas, 'community' work relates most to the interest of life

and well-being; an area which, interestingly, was the section least covered by companies in terms of human rights (and the reasons behind this are speculated in following section).

To recap, companies highlighted a number of human rights commitments, particularly in relation to classic labour rights, which were tied closely to stakeholder groups and the type of business activities undertaken. Whilst companies adopted a mainly passive responsibility for human rights (a 'do no harm' approach), companies did at times assume 'positive' responsibilities when responding to specific country and/or sector based issues.

6.5. What does this mean? Discussion, observations and final conclusions for Stage 2: the interpretation and language of human rights

This interpretation and selection stage of the sensemaking and organising process represents an important step for the study companies in that much of their uncertainty and ambiguity about human rights (as generated from Stage 1) has been significantly reduced, clarified and ordered through means of interpreting and labelling.[127] Human rights now (finally) starts to 'make sense' and the study companies are able to better answer 'what does this mean?' (as representing the key question of this stage) not only in terms of what human rights means in a general sense but, and most importantly for them, what it means for the company in a practical sense. Having said that, some ambiguity still remains and even though companies have crafted a more simplified, meaningful and structured understanding and interpretation of human rights, they have still to fully address 'what next?' in terms of the concrete actions taken to show, implement and act on this understanding of human rights (which is the focus of the next chapter as Stage 3 of the SAO framework).

In relation to the interpretation of human rights (section 6.2), a number of observations are made. Firstly, the multiple meanings that companies assigned to human rights

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[127] Although, as highlighted in this chapter, for a minority of companies most, if not all, of their ambiguity concerning human rights has been removed and they had interpreted and labelled human rights as having no relevance to them and that no further concrete action is necessary (thus their journey stops here).

could, at first glance, appear confusing and contradictory.[128] However, it is helpful to view these constructions through the lens of Nickel's "*rights vocabulary*" (1987: 44) which was outlined in Chapter 2 (as part of this study's conceptualisation of human rights). To recap, Nickel observed that human rights were talked about and approached in three different ways or levels: firstly as abstract moral norms, secondly as middle-level contemporary norms, and thirdly as application level policies and guidelines. Applying this lens to the different constructions of human rights, all three levels suggested by Nickel are represented. For example, the first interpretation (human rights as vague and conceptual) relates to Nickel's first level of human rights (as abstract moral norms), the second and fourth interpretations (human rights as the global sphere and legislation) relate to Nickel's constitutional level (where human rights reflect modern international conditions), and the third and final constructions reflect Nickel's third level (the translation of human rights into specific policies and processes). By applying this categorisation of human rights, it shows that, far from being confusing, companies are relating to, and making sense of, human rights at different levels. It also helps to explain how companies are able to hold different and seemingly contradictory views of human rights simultaneously. For example, some respondents referred to human rights as universal moral principles whilst at the same time associating human rights with employment legislation and the Government realm. Although this contains three very different, and some may argue incompatible, positions towards human rights (moral, legal and political views respectively), using Nickel's discourse idea illustrates that it 'makes sense' for companies to unpack the concept into different parts and illustrates in part how companies translate a complex and abstract concept into practical and manageable business policies and protocols.

The second point to make about the different constructions of human rights, is that running throughout many of them, both explicitly and implicitly, is the overarching notion of human rights as belonging to the international realm and/or human rights violations committed in overseas countries by repressive state regimes (also referred to by respondents as the Amnesty International agenda). This common association and understanding of human rights represents a significant, what Weick terms, 'frame' that

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[128] Although somewhat to be expected since it reflects the general human rights field which, as outlined in Chapter 2 (section 2.2), is replete with varying and competing ideas about the nature, purpose, history and scope of human rights.

companies and respondents used to make sense of human rights (Weick, 1995: 106). Often such frames – that is, the knowledge and experiences that people draw on to interpret and piece together cues that explain the present situation – are difficult to 'see' since they are implicit, unarticulated and taken for granted (Weick, 1995: 114). In this case, however, this particular "*frame of reference*" (Weick, 1979: 154) was clearly visible *and* articulated by respondents (albeit in various ways), thus revealing it to be an especially powerful and influential 'societal' and 'national'[129] frame informing respondents' interpretation of human rights (and/or the frame that respondents perceived how others in the company viewed human rights). This was most clearly demonstrated by direct references to the Amnesty International agenda (as human rights violations perpetrated in non-UK countries) and the "*bad press*" that human rights has received by, and in, the UK media. This societal frame of human rights also highlights the retention aspect in Stage 3 of the SAO framework in that this 'vocabulary' represents the learnt knowledge and past experiences of respondents (their schemata, mental models, cause maps, and so forth), which, for some, has significantly influenced their understanding of human rights (and, in turn, the companies' formal interpretation). Interestingly, this national level frame is in contrast to the 'frames' outlined in the previous chapter (that were involved in the initial enactment of human rights), many of which were organisational frames (the pre-existing routines and traditions that shape, and are shaped by, organisations). Whilst these organisational frames were also found to exert a significant influence in this (second) stage of the framework (in relation to language and labels used, discussed below), for the interpretation and understanding of human rights it appears that this broader, non-organisational, 'ideological' framework was a significant force in shaping the meaning that is attached to human rights by organisations.[130] This, in turn, raises the important question of – to apply the main question of this second stage – 'what does this mean?' Put differently, what effect, if

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[129] Weick highlights six main frames of reference – also called "*vocabularies of organizational sensemaking*" (1995: 111) – that "*pervade organizations and color interpretations*" (1995: 132), one being societal and the rest organisational frames (such as existing routines or premises, occupation specific paradigms, traditions inherited from predecessors, and so forth). This particular construction and frame of human rights (as associated with the international domain and human rights violations in non-UK countries) can be seen as a societal frame, described by Weick as the broader "*national culture*" or "*ideological*" framework consisting of shared beliefs, norms and expectations that binds people together and informs how people make sense of and organise their worlds (Weick, 1995: 111).

[130] And even more so if we accept recent academic thinking and research that suggests organisational factors wield a more powerful influence than originally thought (compared with, say, institutional forces) over how people think, speak and behave (Dutton and Dukerich, 1991; Weick, 1995; Gioia and Thomas, 1996; Cramer et al., 2006; Basu and Palazzo, 2008).

any, does this societal frame (of human rights as the international domain and gross human rights violations in non-UK countries) have for organisations and their recognition of, and respect for, human rights? As demonstrated earlier in the chapter, for some companies this frame as an interpretation of human rights significantly influenced what they did next and the action they took to express, realise and act on this understanding. For example, it was highlighted that in the case of two companies, by interpreting human rights solely in this way resulted in no action being taken since they did not recognise their operations as having any impact on human rights (such as child labour, 'sweatshops') and was thus interpreted as not relevant.

The point articulated above relates, and leads, to the third key observation concerning the interpretation and meaning that companies assigned human rights: namely the affect these constructions had on subsequent action (in terms of the concrete steps taken by companies to translate, exhibit and organise this understanding of human rights internally). As recognised by Weick, and well-documented in academic research (such as Daft and Weick, 1984; Dutton and Jackson, 1987; Thomas et al., 1993; and, Cramer et al., 2004), the meaning that is constructed significantly shapes and constrains what action is possible, plausible and ultimately taken (Weick, 1979, 1995, 2001). Thus, and as described above, the interpretation of human rights as concerning non-UK countries and repressive state regimes resulted in no further action for two of the study companies. This was also partially found with the Government sphere interpretation of human rights, whereby two companies (out of three) who adopted this understanding had taken minor action with regards to human rights since they considered human rights as primarily a state responsibility (including the regulation of private actors) and any action regarding human rights, in their view, was a discretionary undertaking. It appears, then, that for these two interpretations, they were more likely to be used in such a way that resulted in minimal or no action being taken in relation to implementing human rights considerations within their operations and systems. A final example worth highlighting, is the association of human rights with employees and the working environment. This very common interpretation of human rights surfaced strongly in the specific human rights commitments formally recognised by companies (as detailed in Table 12, section 6.4). Employees received not only the greatest amount of human rights attention from companies (out of four main stakeholder groups they identified), but the two areas that most companies highlighted as exceeding (above legal and

societal expectations) related to employees (that being the safety/safe work environment and equal opportunities/diversity).

It is apparent then, as the previous examples show, that the numerous and diverse ways in which the human rights concept is interpreted by companies affects what concrete actions are viewed as possible, reasonable and plausible for a company to take.[131] Interpretation is also a reflection of power and politics and hence represents the final point as it relates to the different interpretations and constructions of human rights. As argued by Weick, "*to talk about interpretation without discussing a politics of interpretation is to ignore context*" (1995: 53). The political nature of the interpretation process can be seen in this chapter, in that despite the multitude of meanings held by (some) respondents, companies adopted a much smaller number of constructions – typically two or three – as the official understanding of human rights. This, therefore, raises the question of how and why particular meanings were adopted and others (it is assumed) rejected; the answer to which lies in contextual factors and processes such as power, control and politics within organisations (Fineman, 1997; Sonenshein, 2006; Bondy, 2008). Whilst the study did not set out to compare the different micro-macro level influences on the evolution of human rights responsibility in companies, there was a strong sense (by the researcher) that respondents exerted a significant amount of influence over the sensemaking process and the meaning of human rights that was ultimately adopted company wide. Keeping this point in mind, Weick et al. suggest that to focus on power in sensemaking is to explore how it is displayed in organisations and that "*preliminary answers are that power is expressed in acts that shape what people accept, take for granted, and reject*" (2005: 418). Respondents displayed their influence and power by way of 'selling' human rights within their organisations, which they carried out in two primary ways. Firstly by means of translating and 'breaking down' the human rights concept into language that was linguistically meaningful, familiar and well-understood by colleagues. Secondly, by aligning their arguments and proposals with the wider aims and objectives of the organisation, appealing to aspects such as reputation, image and bottom-line (benefits). This latter technique in particular, of using

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[131] Whilst it is beyond the scope of this chapter to show how this played out for each of the study companies, the next chapter (Chapter 7, section 7.5) presents a brief case study highlighting one company's human rights trajectory and demonstrates particularly well this point, namely how the interpretation of human rights informed subsequent action (as well as providing a good illustration of the SAO process as a whole).

organisational knowledge and linking to economic goals, has been documented in the generic issue selling and impression management literatures (such as Dutton and Ashford, 1993; Sonenshein, 2006). This suggests, therefore, that respondents draw on such generic techniques for 'selling' ethical issues even when it conflicted, and noticeably so for two respondents, with the use of an economic rationale to package an ethical issue.

These techniques thus demonstrate how respondents can be seen as key 'sensegivers', defined by Gioia and Chittipeddi as "*the process of attempting to influence the sensemaking and meaning construction of others toward a preferred redefinition of organizational reality.*" (1991: 442). A significant way that respondents attempted to shape how others made sense of human rights, and which sensegiving studies have also found to be a key sensegiving mechanism, was through the use of "*persuasive or evocative language*" (Maitlis and Lawrence, 2007: 57). This leads to the final set of observations and conclusions this section (and chapter) makes in relation to Stage 2 of the SAO framework process, namely the language, terminology and labels selected by companies to describe and interpret human rights, and the use of language more broadly within organisations.

As just highlighted, the efforts by respondents to transform and 'sell' the human rights concept within their companies consisted of two key methods, both of which are connected by the use of language as a strategic 'sensegiving' tool to influence how others made sense of human rights. Given this, the first observation to make is that on the whole respondents attached a great deal of importance to the language and vocabulary they used, not just in relation to human rights but also in a general sense (in helping them fulfil their professional role and responsibilities). Even those who considered language and terminology as not particularly important (and indeed some showed a degree of indifference to the topic in the interview), they still outlined, for some in considerable detail, how they adapted language and/or tailored their communications depending on the audience.

The above point links to the second key observation this chapter makes in relation to the language and terminology used within companies – that given the efforts by respondents to adapt, customise and manipulate language, they clearly recognised

(either explicitly or implicitly) the effect this language has, or can have, on how and what meaning is generated. This was demonstrated in numerous ways by respondents, such as avoiding the term human rights (given its association with human rights violations by repressive state regimes), rejecting or replacing the term CSR (viewed as voluntary, charity and "*off to one side*"), and framing or packaging human rights within a risk, health and safety or business case language (given that existing labels are viewed as familiar, plausible and important). What these examples illustrate, and share in common, is a belief by respondents that not only do "*words matter*" (Weick, 1995: 132) in terms of their influence on meanings and perceptions, but for the role they play in influencing behaviours and actions. It thus confirms thinking and research in disciplines such as organisational discourse, issue selling and sensemaking, which has argued that thoughts and actions are significantly shaped by language (Alvesson and Karreman, 2000; Maitlis and Lawrence 2007; Whittle, 2008). This belief was particularly visible in relation to the term 'human rights' which was considered a constraining, rather than enabling, label and thus avoided in informal use. The term was constraining in the sense that owing to its various associations (as abstract, non-UK countries, "*bad press*" and so forth) it could confuse or annoy employees (who would question why it was relevant to them) and/or hinder the development of perceptions that encourage a respect for the principles and areas contained within the human rights concept. Somewhat paradoxically then, rather than 'human rights' serving as a label that helped companies structure, organise and focus their thinking around what it means, (which Weick argues is a key function of labels), the term was viewed as having the opposite effect, in that it would cause more confusion amongst employees or impede certain behaviours. In contrast to this informal use (as unhelpful), formally the term was considered useful by a minority of companies although not as a way of addressing flux or confusion, but in the sense that it helped them develop and improve their CR approach or strategy (and, in turn, enhancing their reputation and external image).

The point above links to the final observation with regards to the language and terminology used by companies. In contrast to the formal and informal use of the 'human rights' term, the overarching title that companies had adopted (be it CR, Sustainability and CSR) was found to be a particularly helpful label in a multitude of ways. Firstly companies used it to organise and combine together existing but separate areas, strands and activities. This, in turn, allowed them to demonstrate and

communicate more easily their non-financial commitments both externally and internally. The third way it proved useful came as an unforeseen benefit, in that the effort to organise existing themes (under one banner) triggered further action to address gaps identified as part of the process, thus leading to an improved and more developed approach.[132] The CR term, then, can be seen as encompassing many of the advantages that labels serve as part of the organising and sensemaking process. Not only did it help to "*focus attention and shrink the number of possibilities as to what might be occurring*" (Weick, 1985/2001: 49), but it helped to convey (a meaning) to others about what was happening, in this way enacting this "*sense back into the world to make that world more orderly*" (Weick et al, 2005: 410). Ultimately, the CR label (and its component parts) proved a successful device for some companies in the way it reduced ambiguity and imposed some structure and order on the unknown - in this case CR and/or the different triggers leading to it (which, essentially, is the overall goal of the SAO framework process).

The chapter now concludes with a number of observations regarding the content and reach of human rights commitments as referenced by companies (detailed in section 6.4). The first is that companies recognised, in varying degrees, the "*two grand families of human rights*" (Nickel, 2008: 986), that of civil and political rights, and economic, social and cultural rights. This lends support to the view of Ruggie (2008a, 2008b) and others (such as McCorquodale, 2009) who have rejected the idea of corporate specific human rights responsibilities because, and as recognised by companies in this study, their activities can impact on all internationally recognised human rights. The second observation is that rights pertaining to employees (as labour rights), and particularly the right to non-discrimination, received considerable attention by companies thus confirming previous research (such as Arkani and Theobald, 2005; Wright and Lehr, 2006; and, Preuss and Brown, 2012). That companies see labour rights as human rights is an important finding if we accept Leary's view, writing in 1996, that companies as well as human rights activists (up until this date) had tended to view them as separate domains. The third observation, which links to the previous point, is that companies identified and arranged their commitments according to their (direct) impact on different stakeholder groups with employees and suppliers receiving the most

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[132] This contradicts recent research (such as Ditlev-Simonsen, 2010) and the criticism often made by the media that companies use such terms for mere window-dressing purposes.

recognition (thus seen as groups affected most by business practices). This supports the majority of frameworks proposed in the business and human rights literature that employ a 'spheres of influence' or 'concentric circles' approach for deciphering the human rights responsibilities of companies (such as Ratner, 2001; Frankental, 2002; Rice 2002; and, Macdonald, 2011). It is also the approach that the UN Norms (now defunct) and the UNGC support but has since been rejected by Ruggie as a foundation for his tripartite framework. The fourth point is that companies mainly identified human rights in relation to direct harm or impact which was considered part of a mainly passive approach towards the protection of human rights. Again, this supports much of the anecdotal literature as well as (limited) empirical research in the business and human rights field that has assigned companies a minimal, 'do no harm', responsibility for human rights. That said, this study did find many examples of companies adopting a more proactive role in respect of human rights particularly through their sector and multi-stakeholder collaborations (to address sector and/or structural issues) as well as responding to specific regional or industry conditions and problems.

The final important point to make, about the human rights commitments recognised by companies, is that this recognition underestimates the contribution that companies have made towards the protection of human rights. As highlighted earlier, the community investment work carried out by companies (as part of their CR approach) supports many important and basic human rights but were not packaged as such. To understand why companies have generally not associated this work with human rights, it is useful to analyse this in relation to Carroll's conceptualisation of CSR (adopted for this study and outlined in Chapter 2, section 2.4). Observing the way companies presented their community activities – as charitable donations, staff volunteering and general voluntary work – aligns with Carroll's philanthropic responsibility or 'face' of CSR, which involves activities considered voluntary and desirable (but not legally or morally expected). Human rights, in contrast, were associated, either implicitly or explicitly, with a moral and/or legal responsibility and equates to Carroll's legal and ethical branches of CSR (which are not voluntary but are legally and morally required). Thus, in terms of rights and (corresponding) duties, this suggests that companies referenced human rights specifically as fulfilling a (legal or moral) *duty* in relation to a right (or right-holder). Community endeavours, however, were not packaged in this way (as

meeting a duty to a justified claim), possibly due to companies wanting to be perceived as going above what is expected of them (by way of their proactive socio-environmental actions). An alternative view is that companies preferred to package these activities as voluntary measures (which they are not morally or legally obliged to perform) so that it would leave them free to choose what activities to carry out and the extent of these depending on, for example, corporate funding. This latter interpretation would also lend empirical weight to those authors, such as Wettstein (2009b, 2012a) and Campbell (2007, 2012), who advocate that human rights are placed at the core of CSR research and practice. They argue that by incorporating human rights, CSR could distance itself from its association with discretionary activities and measures tied to corporate performance and profitability since the discourse of human rights stresses duties and obligations (as morally expected). Analysis of the study companies commitments, then, confirmed this distinction, that is human rights as moral and/or legal duties and CSR (specifically community work) as voluntary and non-mandatory activities.

Linked to the above point is the negative and positive distinction often invoked in human rights theory, where civil and political rights are considered negative rights (requiring minimal action to refrain from interfering) and economic, social and cultural rights as positive (requiring action and resources to realise). Thus, the community work of companies was highlighted as being related to the life and well-being area (of the three basic human rights interests) which are rights considered more economic, social and cultural in focus and are thus positive rights (requiring action and resources to realise). In contrast, this was the area recognised least by companies in terms of human rights compared with the other basic interest areas (autonomy and physical security) which are a mix of economic, but mainly, civil and political rights. Given that these rights are seen as more negative in tone (refrain from causing harm) and as requiring minimal action, it is understandable that companies have recognised these areas (more than life and well-being) given the finding that companies determined human rights commitments in a mainly negative way (by identifying and mitigating direct harm or impact).

Chapter 7

Stage 3. What Next?
The Implementation of Human Rights by UK Companies

7.1. Introduction

In the previous chapter, the second stage of the sensemaking and organising (SAO) framework was presented. It described the meaning that companies assigned to human rights, the language selected to convey this understanding internally, and the human rights commitments recognised and prioritised. It was argued that through these acts of interpreting, labelling and prioritising, companies addressed the key question 'what does this mean?' both in a general sense and for their organisations, and in doing so imposed a significant amount of order and clarity on their environment and the flux that human rights presented them with. Despite having this much more nuanced and refined understanding of human rights, the study companies were still left with the ambiguity of 'what next?' in terms of bringing their human rights "*meaning into existence*" (Weick et al. 2005: 410).[133]

This chapter (as Stage 3 of the SAO process depicted in Diagram 12) resumes the 'story' from the previous chapter by focussing on what companies did next to act on, demonstrate and organise their understanding of human rights internally. It also focuses on the aftermath of this action (and the SAO process as a whole) in relation to the leaning that was generated during this process and the knowledge retained for future use, knowledge that can over time evolve into "*organisational memory*" (Weick, 2001: 305) and influences what changes in the environment are noticed (Stage 1) and/or how these changes are made meaningful through interpreting and labelling (Stage 2).

The chapter is structured into four main sections. The first section (7.2) explores how companies acted on and organised their understanding of human rights and describes

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[133] Although as highlighted in the previous chapter, a minority of the study companies had not reached this stage since they have either interpreted human rights as having no relevance to them or they were in the process of clarifying the meaning and relevance of human rights and had yet to determine what concrete action(s) to take.

the structures, processes and measures put in place to realise this interpretation (and responsibility) in practice. It also explores the reasons given for such measures as well as the salient observations and reflections by respondents about these structures and processes. The second section (7.3) details the major lessons learnt and the knowledge retained from this process including how this has informed (or will inform) the identification and interpretation of future issues. The third (7.4) section presents the more in-depth analysis and outlines a number of (second-order analysis) observations and conclusions both generally and as it relates to this third and final (action and retention) SAO stage. To conclude this chapter *and* the three (empirical) stages of the sensemaking and organising process, an illustrative example is presented of one company's account of their human rights 'journey', demonstrating particularly well the enactment (Stage 1), interpretation (Stage 2) and implementation (Stage 3) of human rights.

**Diagram 12. Stage 3 (highlighted) of the Analytical Framework:
A Process Model of Sensemaking and Organising**
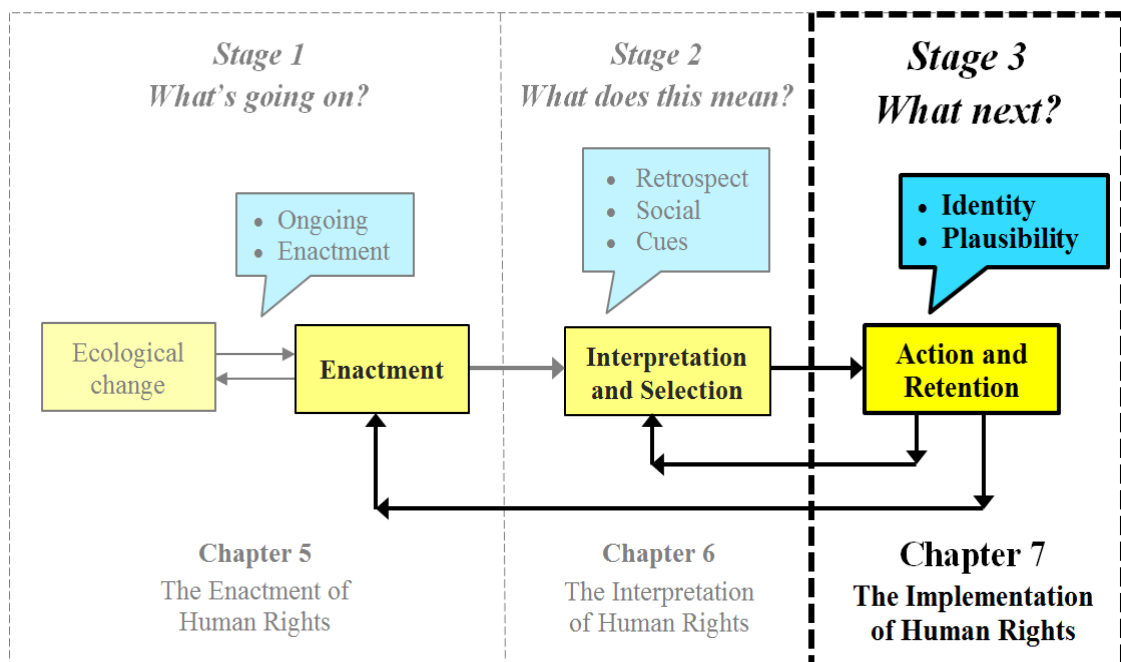
7.2. From meaning to action: the internal organisation of human rights

This section explores what the study companies did (next) to realise and structure their understanding of human rights internally. As explained in the methodology chapter (section 4.6.3), although Weick considers action integral to all SAO stages, for the sake

of clarity this chapter defines and uses action to mean the concrete, deliberate and tangible *new* activities carried out by companies based on their interpretation and understanding of human rights. It specifically focuses on actions in the form of structures, systems and mechanisms put in place by companies to implement and structure their human rights commitments and responsibilities in practice. This section focuses specifically on these structures and measures since they represent not only an important way that companies imposed order on the (human rights) situation, but it reflects the interest of respondents themselves who showed notable enthusiasm in discussing these structuring activities, both for human rights as well as CR. The reasons for this are threefold.[134] Firstly, it represents a relatively straightforward and non-threatening topic for respondents who could describe with ease the systems and mechanisms established.[135] Secondly, some participants believed that since companies are now increasingly expected to demonstrate they 'walk the talk', internal structures are an important way to display and evidence their verbal commitments to human rights (or CR). The third and final reason that respondents displayed a keen interest in discussing governance structures and mechanisms is that for many of them this represented their current area of work, either in terms of setting up governance structures for the first time, or as requiring their ongoing attention and day-to-day management. Thus for many respondents this was upmost in their minds and also represented the topic they highlighted as the most challenging (which leads to, and is explored in, the next section).

7.2.1.   *The challenge of implementation*

As just highlighted, many respondents identified implementation (of the overarching strategic 'vision') as the one area causing them the most concern in relation to both human rights and CR (13 companies out of 22). One respondent who was in the early stages of implementing their company's sustainability policy was finding it especially

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[134] These (reasons) could also account for why respondents often referred to governance structures and mechanisms to articulate their company's understanding and interpretation of human rights (as outlined in the previous chapter). For example, the structures that respondents highlighted most frequently were company policies and management systems as well as departments and/or colleagues involved in the management and responsibility of human rights.
[135] Respondents were also 'prepared' to discuss this topic with some referring to material they had brought with them (typically in the form of a summary diagram) or likewise they would draw a diagram detailing their structures and systems for the researcher during the actual interview.

troublesome, so much so that they asked the interviewer to recommend guidance material on implementation strategies (TRa).

> *I think there are some ongoing ... I'd say battles with the business in certain parts of the world in terms of embedding good health and safety and environmental policies. I think that's an ongoing challenge we have* [MEc]

> *I think we've still got quite a bit of work to do embedding a number of human rights issues* [HCa]

> *... it's a complex business. I mean we're in 34 countries, underwrite business in 130, multitudes of functions and leaders, all with different opinions, mindsets, you know, you're trying to pull it all together. So, yeah, it can be quite difficult implementation wise* [FSb]

The implementation process proved especially challenging for companies with devolved or flat business models and, as the final quote highlights, those with operations spanning multiple sites and countries. In the latter case, the implementation and rollout process was challenging due to the sheer size and scale of activities, as well as managing different cultures, business systems and legislative regimes within each country of operation. In the case of devolved and flat company structures, implementation proved difficult due to the agency of subsidiary units who functioned as quasi-independent companies and thus possessed considerable autonomy when implementing the broader policies of the parent company.

> *One of the challenges when you have a highly devolved organisation is that it's very difficult to then run central initiatives on these issues because it goes against the grain* [BSb]

> *... if I'm being honest some of the business units see it* [EXa Sustainable Development assessment tool] *as a bit of a chore but other sites absolutely understand why it's important. So that's one issue which we're working on, to make sure that every unit across the business and in every country does what's required of them* [EXa]

> *So I think CR is a little bit alien in places like Russia, for example, or Kiev where you do spend more time trying to get people engaged in understanding why you would do it as an organisation. So yeah, we definitely spent a lot of time thinking through the messages around it and some of the messages are a little bit crass and a little bit commercial* [BSc]

The last quote above highlights a further theme that emerged when respondents discussed the challenges of implementation, that of company employees. Respondents

expressed that encouraging, and in some cases changing, the mindsets and behaviours of employees towards a greater awareness of social and environmental issues was a constant challenge.

> *And what you're trying to implement, trying to change, whether it's actually ever going to be completely changed is another matter cos it's down to human nature and human psychology and you're always gonna get somebody who doesn't really care, you know? You get nice people and not so nice people and companies are based on people* [TCa]

> *The challenge is getting our people to think about human rights when they're with their clients. Because that's out of our remit, out of our grasp, we can't go to all those clients, pieces of work and do that bit for them. We need our people to thinking about it when they're out there. So that's the biggest challenge I think* [RTa]

> *There are probably still people out there going 'oh god when's this gonna finish' but I think the fact that it hasn't and it's still going people are having to accept it even if they probably some of them don't want to* [MEa]

Given the number of respondents that viewed implementation and employee buy-in as a barrier and challenge, it highlights again how the implementation process is considered an important activity by the study companies, as reflected by their ongoing efforts in this area. Secondly, this finding highlights the pivotal role that respondents attached to employees in the delivery and fulfilment of social and environmental commitments. The effectiveness of corporate governance mechanisms was thus viewed as depending, in large part, on the extent to which employees are engaged with the subject matter and influenced their day-to-day thinking.

7.2.2.   The allocation of responsibility for human rights

As detailed in Chapter 5 (Stage 1) the first task initiated by the study companies after noticing human rights was to assign responsibility to a specific person or department. Where a dedicated individual or team had already been established for CR (15 out of the 22 companies), the responsibility for human rights was assigned here (and in the case of a team assigned to a specific individual). For companies that did not have a dedicated team or person in charge of CR (seven out of 22 companies) responsibility for human rights was attached to an existing position within the company (as an additional

remit).[136] These respondents were more likely to stress (compared to companies with a CR team or person) that accountability was dispersed amongst various functions and individuals within the company such as human resources, legal, external relations and corporate affairs. This diffusion of responsibility was also reflected in the interviews with respondents from different departments interviewed together. For example, respondents from three different functions in a transport company (TRb) were interviewed, each playing a different role in the management of human rights (The Human Resources Director, Head of Corporate Communications and Head of Customer Service). That being said, some companies with a dedicated CR person or team also stressed that other departments were involved in the management of human rights with the human resources and legal departments mentioned most often (particularly when referring to legal elements of human rights). In summary, the responsibility for human rights was not structured to be an individual's sole focus and all of the study companies attached it to an existing position as an additional remit (in amongst a broader array of responsibilities). Likewise, the term 'human rights' was not used by any company as the official title for the department or person in charge (perhaps owing to the CR person or team being in place before human rights was officially noticed, or that the term, as highlighted in the previous chapter, represented an unhelpful and confusing label).

The discussion concerning the location of responsibility (for human rights) often prompted respondents to reflect more broadly about the value and necessity of a dedicated person or team in charge of CR. Note that at no point did respondents question or comment if a dedicated function for human rights was needed. Note also that these deliberations were expressed only by respondents who were already in specific CR posts, and respondents in companies without this function did not articulate that a separate person or team was necessary. Opinions were generally mixed regarding whether companies should have a dedicated department or person responsible for CR. Those that believed a separate function was not needed highlighted that CR should ideally be a self-regulating process when completely integrated within a company. Some respondents also stated that a CR function creates an impression and signifies

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[136] As already outlined in Chapter 5, section 5.3.2, for these companies human rights was assigned to the Human Resources Director (three in total) and the rest locating responsibility with different functions, that of the Managing Director, Chairman, Health and Safety Manager and the Community Development Officer.

(symbolically) to the wider business that it is a specialised area, separate from the daily running of the business.

> *I just think CR ought to be completely embedded and if it's completely embedded we don't need to be here* [MEb]

> *I can't tell you whether our system works or works as well or better than other companies that have big CR teams. I don't know cos I've never sat that side of the fence and experienced it but to me CR has to be integrated in the way that you do business. It needs to be part of the day-to-day decision making. You don't need to have a separate team to do that, it needs to be part of how you do business* [IFa]

> *We've tried to push it so it is embedded. With that there's ownership as well cos otherwise it just be a case of oh well, this isn't for us, this is just one to pack off to the sustainability team and all of a sudden no-one takes responsibility* [FSa]

Only one respondent, however, articulated that their company was moving towards the direction of CR as a self-governing entity. They illustrated this with an example of a recent decision taken by the company's senior management team regarding a business venture in a country viewed as having potential human rights 'risks'. After reviewing the decision and the process that the managers took to arrive at the decision, the respondent believed the correct course of action had been taken. Of greater significance for this respondent was that it signalled the integration of corporate responsibility (as well as an indication of the respondent's success in their role).

> *I wasn't part of that process. So on the one hand I thought well no-one involved me, then I thought well actually they didn't need to because it's now embedded and that's actually a good sign* [IFa]

However, the knock-on effect for this respondent was that their role and sphere of responsibility (as Head of CR) had declined in recent years from "*doing corporate responsibility*" to one of external reporting, ad hoc advice for colleagues and someone to "*stitch the whole lot together and show particularly the outside world but even internally how it all meshes together*" (IFa).[137]

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[137] A handful of respondents did articulate this in-built conflict and juxtaposition of their role, aptly expressed by IFa, "*it's a bit like being a victim of your own success*". Similarly, another respondent observed, "*oh yes, it's to our benefit that those stories* [child labour allegations] *keep going. Oh yes definitely, as we won't be in a job!*" (RTb).

In contrast, a number of respondents considered that a separate person or department was a vital and important mechanism to drive the agenda within the company. As one respondent explained in relation to their role as community relations manager;

> *I think when you see a company that's actually invested in somebody to focus primarily on the community relations that's when it really takes off. If you've got it as part of your job like 10% of your time it tends to get neglected. But where you chose as a company to invest specifically in it there's much more chance that you're gonna be successful cos that's your raison d'être* [MEd]

Some respondents also felt that a dedicated individual or department was symbolically important in that it signalled to others, particularly employees, that the company considers CR to be of significance and value. One company, for example, had increased their CR team from three to twenty personnel over the past three years (leading up to the interview) as a response to widespread media criticisms concerning their previous unethical business practices. This considerable expansion in team members (as well as the complete overhaul and restructuring of their CR approach) was viewed as sending an important message both externally and internally that "*it's to do with the priority that's now been placed on responsible behaviour*" (MEa).

One of the study companies had experimented using both a central and dispersed system of responsibility, finding that a centralised and separate team to be the most effective model for them. The respondent explained that;

> *So we went through a phase of pushing it out to become everybody's and then clawing a bit of it back cos it's not going to get done professionally otherwise* [RTb]

This respondent also considered the physical location of the CR team to be of importance (symbolically) and were soon moving to a building that housed the company's core functions and departments (which was actually less than 100 yards away). This move was initiated by the team in the belief that it would signal to the wider business that CR was a core part of the business, "*it's a perception thing. We feel it makes us part of the centre rather than the periphery*" (RTb). Similarly another respondent highlighted the importance of their physical location and akin to the

previous company had just moved offices (in this case to their head office, a move of about 500 yards). They explained the benefits of this move;

> *It's better cos I feel like I'm more got my finger on the pulse up here than I did down there. You can be a, feel a bit out on a limb at times and that's how others would see the community team* [TRd]

As well as the physical location of the CR person or team, respondents also highlighted the importance of its virtual location within the corporate structure. Respondents believed that how 'high up' the CR person or department sat within the corporate hierarchy reflected and signalled to employees the level of importance attached to CR. Similarly, whether the person or team reported directly to the Executive Board was again considered an important mark of the significance attached to CR. Thus respondents were keen to articulate whether they or someone in their team reported directly to the Executive Board and how often (this was also the case for those without a CR team or person). For example, the company highlighted above that had increased their CR team from three to twenty members had also moved position within the corporate structure so that *"now we sit higher up the food chain and we report directly through to the CEOs office. So it gives the department more visibility"* [MEa]

7.2.3. Human rights policy

Typically the next step for companies after human rights had been assigned to a person or team (and a better understanding of human rights ascertained and objectives developed) was to generate some type of formal publication detailing the company's interpretation of human rights and areas of commitment. Twelve of the study companies had developed a stand-alone human rights document with two in the process of developing one. The official titles varied and included policy, position, statement and standard. All of these formal documents (herein policy) were value type policies (Weaver, 1993), in that they set out in broad and general terms the companies' official stance towards human rights (as opposed to an operative policy or code that gives specific and detailed instructions for realising commitments in practice). Respondents, however, recognised that these policies represented only a brief account of their company's understanding and commitments and that further detailed policies and/or mechanisms were needed to translate, implement and operationalise this policy.

I mean the way we get from our external policy statement like we support human rights to the way we govern things within the company is through standards and we have standards for all sorts of things [EXa]

This [human rights standard] *is a theoretical document. Obviously there's a big difference between writing something down on a piece of paper and actually how you get it out, getting it embedded* [BSb]

I think what you need is a framework that works internally. So you need policies and then you need standards, and then you need guidelines and tools. Like people need to understand how it actually, it's all very well to have a policy but what does that mean in practice? [EXb][138]

The human rights policies varied not only in title but in purpose, scope, content and focus. All had been made public and were available online. The policies varied in length from a paragraph to a few pages, with a page in length being typical. The focus also varied with some addressing their global contractors and suppliers only (such as RTb) or setting out their human rights considerations when exploring new business ventures (such as BSb). All policies outlined the companies' interpretation of human rights[139] and described very broadly (and vaguely) their human rights commitments either by human rights issue (such as MEc and TRc), thematic area (IFa), stakeholder group (EXc, FSa, FSb, HCa and TCa) or a mix of all three (EXa and TCb). On the whole companies did not refer or use the policy on a day-to-day basis[140] and respondents did not reflect on whether a human rights policy was needed or important (unlike their deliberations over a separate CR team or person). For only one company did the human rights policy represent a 'live' document and was used (and developed) specifically for the purpose of helping to secure Government contracts (HCa). In this case the respondent explained that a human rights policy was expected of them as well

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[138] Whilst this quote does not directly refer to human rights, it is included here as it eloquently illustrates this point (that is, the mix of different types of policies and mechanisms needed in the implementation process). This topic (policy development and effectiveness) particularly resonated for this respondent as they were in the process of carrying out a review of their sustainability framework and all related policies, part of which was to develop a separate human rights policy.

[139] Although sometimes this was copied directly from the UDHR and no other details were given on the meaning of human rights for the company (e.g. TCa).

[140] This was aptly demonstrated by two companies, with one respondent who, as already mentioned in Chapter 5, section 5.2.1, struggled to physically locate their human rights policy after the interview (eventually finding it in a cabinet under a disorganised pile of papers, files and folders) (RTb). For another, they were reviewing their 'Human Rights Policy Statement' along with all company policies, and the respondent believed this would be incorporated within other areas instead of a stand-alone policy because "*rather than look at it as a separate issue, we'll probably try and embed those concepts that we need to within other areas such as our employee policy, and we might just change a couple of words to include it*" (TRc).

as using the language (and term) human rights in light of the type of contracts they tendered for (such as running immigration and correctional centres). In this way, the human rights policy had an explicit commercial purpose and focus.

In summary, the human rights policies of these (twelve) companies were mainly developed for external purposes, to show the outside world their formal recognition of human rights as well as demonstrating their understanding and key commitments. The internal translation of this policy was executed in very different ways and is now explored in more depth.

7.2.4. Actioning human rights

Despite many of the study companies having a human rights policy, different types of mechanisms and processes were needed to translate the overarching 'vision' and/or express these commitments and objectives internally. This section focuses on the mechanisms used by all the study companies (not just companies with a formal human rights policy).

When discussing the implementation of human rights, respondents would typically first articulate the different structures, systems and mechanisms set up for CR (as opposed to human rights). Whilst these were not the focus of the study (*per se*), their main points are briefly outlined since they are also pertinent when looking at how human rights was organised internally. Overall, a great multitude of different systems and measures were mentioned by respondents (for CR), but despite this variety, three main features were common to all. Firstly, policies, procedures and guidelines represented the most frequently mentioned instruments for implementing CR (such as risk management, auditing and reporting procedures). Secondly, steering committees, boards and working groups were very common, with purposes ranging from formal CR governance and strategy development, to more informal interaction, discussion and general support[141]. Finally, respondents highlighted a myriad of 'softer' mechanisms, tools and methods to implement and encourage CR behaviours. Predominantly employee focussed, these

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[141] Note that these mechanisms were highlighted in Chapter 5 (section 5.3.3) as important channels respondents used to clarify with others the meaning of human rights both for themselves and their companies.

ranged from 'carrot' mechanisms (such as training, bonuses, awards and ongoing CR communication), to 'stick' measures (such as annual performance plans, 'KPIs' and formal work appraisals). Interestingly, respondents never questioned the need for these different structures and measures, only their effectiveness (in stark contrast to the deliberations over the necessity of a CR team or person), and two particular aspects were considered to be the most effective. Firstly, and in terms of employee focussed tools, 'stick' measures were considered the most useful[142], particularly when CR commitments or objectives were built-in to employee performance and development plans. Some respondents also highlighted the symbolic nature of this in signalling to staff that CR is part and parcel of their role and its importance to the company.

> *So the fact that it's in everybody's business plan now means it's embedded in the governance of the business. So it's not just airy fairy policy, it's well what are you actually going to deliver under it* [RTb]

> *The final answer of like the way you roll something out is you put the values into people's KPIs. How have you performed against the value this year? So it's very live, people are really aware of it. And then the other way is you get senior leadership to champion it* [EXb]

The last quote above also highlights the second measure viewed by nearly all respondents as essential for CR implementation (and runs throughout all measures, structures and processes); namely the leadership, commitment and endorsement shown by the company's Chief Executive and other Executive Board members. One respondent particularly advocated this view, more so than any other, frequently raising the importance of senior leadership throughout the interview. She very eloquently argued that;

> *So I think it's fine to have a CR committee and I think it's fine to have well intentioned people who might be in post doing all sorts of fantastic things but at the end of the day unless the Board has a real emotional commitment to doing this, you will not get a lot of traction within the organisation. And personally I also think how you organise it internally, aachh, who cares right? You can have committees or boards or people or posts, you know whatever, it doesn't really matter and all of that is gonna evolve very differently because organisations are themselves very different. But at the end of the day the Board has to be looking at this issue and what I think is*

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[142] Although one respondent stated that they preferred a mix of stick and carrot methods but found it a difficult balancing act (between control and allowing staff to make decisions), stating that "*what I always strive to try to get is that if we get governance right it should actually empower people not constrain them.*" (BSb).

really important is that the CEO of the organisation needs to stand up in front of people and say I care about this. Because it's amazing, you know, people actually, albeit certainly in this organisation, they would claim otherwise of course, people like to be lead [BSc]

Two forms of CEO and/or Board endorsement were viewed as particularly important (for CR implementation); firstly an Executive Board member spearheading or championing CR, and secondly the attendance of a Board member (especially and preferably the CEO) at CR committee meetings. Again, there was a symbolic notion to both as demonstrating the importance placed on CR by company leaders.

Having provided a very brief overview of the main structures and implementation mechanisms for CR, the primary focus of this section is how companies expressed and organised their human rights understanding internally. As will become clear, CR played an important role in this organising process, particularly given that (as highlighted in Stage 1) it was often the CR structures and processes themselves that triggered human rights to be first noticed. To depict the internal organisation of human rights *and* its relationship to CR, a Venn diagram is presented (Diagram 13) with an accompanying table (Table 13) summarising the diagram's key features as well as the location of each study company. The diagram shows three overlapping circles and (which results in) seven different combinations for how companies structured human rights internally.

1. The first dimension represents the generic governance structures, processes and systems that exist for all companies regardless of any formal CR or human rights recognition. This segment consists of companies that have not implemented CR or human rights (or indeed made any formal acknowledgement or commitment to either). None of the companies involved in this study fell within this dimension owing to the in-built bias of the sample.

2. This dimension represents companies that have formally recognised CR but not human rights, with CR structured separately from the company's generic systems and operations. CR in this dimension typically takes the form of voluntary and philanthropic measures such charitable donations, employee volunteering and sponsorship of local community groups or events. Two of the study companies represented this segment (BSa and TRb) and although one company was currently

in the process of deciphering the meaning of human rights crucially neither company had taken any deliberate action (in the form of concrete measures) to implement human rights.

3. The third dimension is almost identical to the second, in that both represent companies that have formally recognised CR but not human rights. The key difference in this segment is that CR is integrated within the company's main structures and processes. Two of the study companies represent this dimension (MEa and TRa) and whilst they had not formally recognised human rights (one of them explicitly rejected the term 'human rights', TRa) both highlighted that their policies and systems already incorporated and aligned with human rights principles but were not branded as such. In terms of CR, both stressed that it was (and should be) treated as a core business function within and using the same systems and processes of the company. For one company, CR was "*embedded*" mainly via the company's values framework, employee KPIs and risk management and assessment procedures. CR for the other company was "*embedded everywhere*" such as employee performance appraisals, their global code of conduct (which included their values) and tendering criteria for Government contracts. This respondent also highlighted the general approach they take towards the implementation process, explaining that;

> *... being an engineering company, a manufacturing company, we're quite process driven so normally if you can wrap a process or a business model around something it works. So CR has basically fitted into the same business models we use such as the safety maturity matrix to drive standards of safety across the business* (MEa)

4. The fourth dimension represents companies that have formally recognised human rights but view it as (completely) external to company and CR processes. Two of the study companies are located here (BSc and EXc) and even though both had investigated the meaning of human rights they concluded that their operations did not impact human rights, thus resulting in minimal or no action. Note, however, that even though EXc had developed a human rights policy, this was mainly a statement recognising and endorsing the UDHR and crucially no further (new) concrete action had been taken.

Diagram 13. The Organisation and Implementation of Human Rights vis-à-vis Company and CR Structures, Systems and Measures
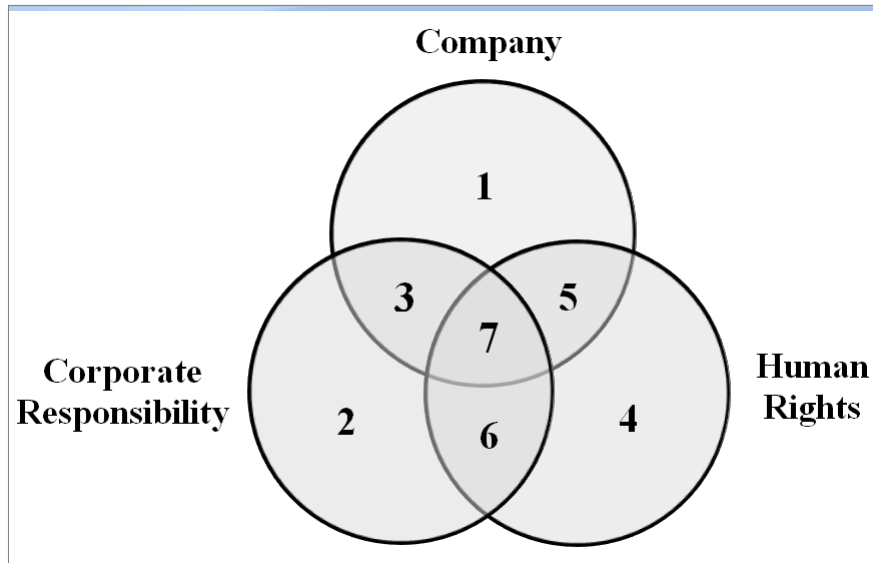
Table 13. Key Features of the Organisation and Implementation of Human Rights

Index	Dimension	Key Features	Companies (*n=22*)
1	Company	No formal recognition of corporate responsibility (CR) or human rights (HR)	N/A
2	CR	• CR separate from company. • HR not formally recognised.	• BSa • TRb
3	Company & CR	• CR integrated within company. • CR separate to HR (no formal recognition of HR).	• MEa (was No.2) • TRa
4	HR	• HR separate from company and CR. • HR formally recognised but minimal or no action taken.	• BSc • EXc
5	Company & HR	• HR integrated within company. • HR separate to CR (no formal recognition of CR).	• HCa • TRd
6	CR & HR	• HR part of CR. • CR and HR separate to company.	• RTa • TRc
7	Company & CR & HR	• HR part of CR. • CR and HR integrated within company.	• TCb • TCa • EXa • MEb • RTb (was No.5) • BSb • IFa (was No.4) • MEc • MEd • FSb • EXb • FSa

5. This dimension represents companies that have integrated human rights within core company processes but have made no formal recognition of CR. Two of the study companies are represented here and as highlighted in the previous chapter (Stage 2) they shared the same single interpretation of human rights, that of employee and workplace responsibilities (HCa and TRd). Accordingly, both companies had integrated human rights within employee related policies and systems, with one company stressing their commitment to, and compliance with, employment legislation and the other emphasising their corporate values (as their primary mechanism for implementing employee policies) and staff training programmes.

6. The sixth dimension represents companies that view CR and human rights as overlapping domains but are (both) separate to core business structures and process. For the two study companies located here (RTa and TRc) human rights was integrated *within* and using CR structures. The main area that both companies combined under CR was employee related responsibilities although one also included customers (TRc).[143] Both viewed philanthropic and environmental activities as key aspects of CR but were treated independently from human rights. Interestingly, one respondent recognised that their CR activity was structured separately from the company's core functions and was attempting to better integrate and align CR within these core processes, finding that "*we've just hit a brick wall*" (TRc). The respondent identified the "*brick wall*" to be a mismatch between the company's unstructured CR approach and the company's process driven culture which also married that of the respondent's personal style of working described as "*quite processed driven, so systems and strategies and targets and deliverables. So I very much operate on that basis*". Despite some initial effort to better structure CR (mainly by way of a policy), the respondent was finding the execution of this as well as its lack of consistency and integration within the company's core processes to be especially problematic, causing them a certain amount of frustration.

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[143] This is not to suggest that employee and customer responsibilities were viewed as part of CR only and separate to core business structures. Rather, the legal and compliance elements (notably health and safety of employees and customers) were observed through core business systems and procedures but the additional non-legal elements belonged to the CR (voluntary) domain.

7. The final dimension (of how companies organised and implemented human rights) is almost identical to the sixth in that both view CR and human rights as overlapping domains with human rights integrated within CR structures. The key difference, however, is that this segment views both CR and human rights as integrated within the core functions and structures of the company. This represents the largest group of companies (twelve in total) and is broken down into five main sub-types based on how they implemented the human rights and CR relationship in practice.

   a. *Employee Focussed.* The first group consisted of two companies (TCb and TCa) who had incorporated predominantly employee and workplace responsibilities within CR processes (such as equal opportunities and diversity policies) and to lesser degree customer commitments (such as privacy, access and inclusion measures).

   b. *Employee / Risk Focussed.* The second group of companies also viewed employees as the main overlapping domain between CR and human rights but they also highlighted that both areas were incorporated within their core risk management procedures (EXa and MEb).

   c. *Supply Chain Focussed.* The third group of companies located human rights specifically within the supply chain measures of their CR approach (RTb, BSb and IFa). Two of these companies had specifically developed new supply chain measures for human rights (both when assessing business opportunities in non-UK countries) which were then integrated within the overall CR approach (BSb and IFa). Both companies also stressed that CR and human rights were treated within the company's core risk management processes with one respondent articulating the reason for this;

      > ...*it's placed within the corporate assurance group and alongside risk so there was a clear message to the business that this wasn't going to go away* [BSb]

   d. *Supply Chain / Employee Focussed.* The fourth group consisted of three companies that, like the previous group, integrated human rights within the supply chain element of CR but they also included employee and workplace responsibilities within CR structures (MEc, MEd, FSb and EXb). Two companies had also set up new procedures to realise their human rights

commitments (one to assess investment opportunities in non-UK countries and the other when expanding operations in countries with poor human rights records) and both companies then incorporated these new measures within their main CR approach (MEc and FSb).

e. *Integrated*. The fifth and final combination consisted of one company (FSa) and has been set apart from the other groups since they had integrated more human rights elements within CR than any other study company. These elements included employee and workplace responsibilities (such as equal opportunity policies), customer commitments (notably disability access) and supply chain measures (mainly responsible investment criteria). The company's risk based "*fiscal*" framework was used as the overarching approach for determining and assessing their CR and human rights commitments. Note also that the supply chain measures had been driven and developed specifically by the respondent (something they were particularly proud of) and was subsequently included within their overall CR strategy.

In summary, a complex picture emerged regarding the internal organisation of human rights. The study companies expressed, realised and structured their understanding of human rights in very different ways, made even more complicated by the presence and influence of CR commitments and measures. Two key questions which logically follow this – what do these variations mean and do they matter? – are discussed later in this chapter (section 7.4).

7.3. Retention of knowledge: key lessons learnt

As the final key component in the SAO framework, this section explores the lessons learnt by respondents (and companies) from the enactment, interpretation and implementation of human rights. This is a crucial phase since it completes the three stage SAO process but also then triggers, or feeds into, the start of the process once more. The knowledge learnt and retained for future use therefore represents the important feedback loop of the SAO framework by influencing what events or issues are noticed and enacted (Stage 1) and how they are interpreted and labelled (Stage 2).

Overall it was difficult to pinpoint exactly what the study companies had learnt in relation to human rights. For most, they were still in the process of organising and implementing human rights and a handful had yet to grasp its meaning and relevance for their companies. This made the articulation and identification of 'lessons learnt' particularly difficult since, according to Weick and others, it takes time for new learning to emerge and it is only by reflecting (retrospectively) after the 'event' that new insights are discovered (Weick 1969: 107; Nijhof and Jeurissen, 2006: 317).[144] That respondents are still in the process of learning about human rights was indicated not only by the challenges and struggles that respondent were experiencing with the implementation process but the doubts some were having as to whether their efforts were right or good enough.[145] Moreover, a few respondents stated that the interview itself was a reflective experience and thus, it is inferred, helped them to identify what they have learned so far.

> *It's been very interesting to talk to you and it's also helpful for me to articulate our strategy as well* [MEb]

> *...even this interview, sometimes actually sitting down with someone explaining what you do actually helps you understand, clear in your own mind to start with and you realise how far you've actually come* [TCa] [146]

Whilst the knowledge learnt and retained from this process (of addressing human rights) had yet to emerge fully or be robust enough for respondents to identify, a significant field of past learning that influenced all three SAO stages was that of CR.[147] To recap briefly the extent of this influence, in Stage 1 it was noted that for many companies an existing CR approach triggered human rights to be first 'noticed' (and the

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[144] That being said, the case study used to conclude this chapter (section 7.5) does illustrate how the learning gained from their human rights 'journey' influenced (or will influence) the interpretation and handling of future events.

[145] What was particularly fascinating about this (to the researcher at least), is that those having doubts were from companies considered to be, certainly by other companies, exemplars of human rights and/or CR practices. For example, a respondent from one such company (considered exemplary) stated "*we've only really been doing this 6½ years, so we're just learning to walk and trot a little bit*" (EXa), and another observed "*we always think we're not doing it very well but then when we look at others it's a surprise to find we actually don't look too bad*" (RTb).

[146] This quote demonstrates perfectly one of Weick's most famous sensemaking maxims (Gioia, 2006: 1713), that of "*how can I know what I think until I see what I say*" (1979: 133), which assumes that only by retrospectively reviewing past action can one get a better sense of what actually happened.

[147] That is not to imply that other forms of retained knowledge were not influential in the enactment and interpretation of human rights. Other sources noted, for instance, were respondents' previous knowledge and experience, organisational traditions and routines, and wider societal 'frames'. However, CR is particularly stressed here since it represents one of the most important fields of past learning utilised by companies when making sense of human rights.

identity sensemaking property was particularly salient to this, in that a strong CR identity prompted companies to act when, for example, media allegations conflicted with this image). The structures set-up for CR were also important mechanisms used to make sense of human rights, the interpretations of which were detailed in Stage 2 (and the *plausibility* sensemaking property was especially prominent in their construction and the language used to convey them, in that they were plausible and meaningful in light of the CR approach and other organisational facets). Finally, the presence of CR was strongly felt throughout this current (third) stage in the way that it influenced how human rights was expressed and organised internally. For a great many companies (nearly two-thirds) the existing structures and processes set up for CR were used to integrate and implement human rights and thus represented a form of retrospective sensemaking whereby order was imposed on human rights by 'fitting in' with a previously successful enactment (that of CR).

On the face of it, this section appears rather brief given the importance that is placed on retained knowledge in the SAO framework (as the 'thing', the connector that drives the cyclical and ongoing nature of the process). However, and as just explained, the learning and knowledge gained from previous experiences, particularly CR, was discussed in all three stages where relevant and salient for how human rights was enacted, interpreted and implemented.

7.4. What next? Discussion, observations and conclusions for Stage 3: the implementation of human rights

Equipped with a better understanding and interpretation of human rights, the study companies in this final stage of the SAO process addressed their remaining ambiguity surrounding human rights by asking 'what next?' It is an important stage for companies since, using Nickel's three levels or categories of human rights practice, it is where companies turn the once abstract human rights notion (Nickel's first level) into specific policies, mechanisms and guidelines which outline in detail what will be done and by whom (representing Nickel's third level). The steps taken by the study companies to act on, demonstrate and organise their understanding of human rights internally resulted in reducing much of their ambiguity surrounding human rights. For a minority of companies they had now 'dealt with' human rights, effectively removing all of their

uncertainty and ambiguity (such as IFa and MEb). For most companies, however, some ambiguity remained but they were satisfied that the action taken in terms of the measures and processes put in place (or subsumed within other structures) were adequate enough to allow other 'projects' to continue or begin. This is not a criticism of the study companies in the sense that it signalled their sensemaking and organising efforts were unsuccessful. Rather, as Weick points out, ambiguity is not only a prominent feature of organisations but "*ambiguity is never fully removed, it is part of the normal context of organisational action*" (1985/2001: 48). A certain amount of surplus ambiguity, then, is to be expected and could represent an actual healthy or preferable state to be in given, as highlighted by some respondents[148], the expectations and thinking around human rights (as well as CR) are fluid, constantly in flux and differ from place to place. Conversely then, companies that considered human rights to be 'taken care of' may fail to notice important changes in their (internal or external) environment which could potentially pose a risk or opportunity to the business.

The ambiguity that remained for many of the study companies (that had reached this stage) concerned mainly the translation and implementation of the overarching 'vision' of human rights and/or CR, particularly in relation to encouraging and appealing to employees to execute this vision in practice. That companies are finding this a difficult task can be considered a positive sign in the sense that it signals the focus of corporate attention has shifted from why (human rights and/or CR should be something of concern) to that of how (to realise these commitments in practice). This is also reflected in academic thinking and research which has increasingly focussed on how CSR is internally structured rather than understanding the what and why of CSR (Basu and Palazzo, 2008; Smith, 2003; Ditlev-Simonsen and Gottschalk, 2011). Of course, suggesting this to be a positive development, signalling that companies are now becoming more committed to ethical and responsible behaviour, is to assume this is the purpose behind such measures (and struggles). As indicated in this chapter (and previous chapters), there are a number of reasons why companies develop internal mechanisms and structures for human rights, for example to win business contracts (as in the case of HCa and their human rights policy), appease or respond to external pressure and criticisms (as with MEa) or improve CR and/or the overall reputation of

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[148] For instance one participant remarked, "*the world changes so quickly in this area and it's a huge ongoing task as people change and the issues change*" [RTb].

the company (as demonstrated by companies that used human rights to enhance their CR strategy). This raises the broader question of whether governance structures in themselves can be used to gauge the importance or commitment a company attaches to human rights or CR. From Weick's perspective, structures are only the product (the outcome or expression) of the sensemaking and organising process, and their "*tangibility and visibility*" (1969: 16-17) are not in themselves important or a measure of importance, rather "*the crucial events to be explained are processes, their structuring, modification and dissolving*" (1969: 16). A similar argument is also made in the CSR literature where it is suggested that focussing on processes, rather than content, outcomes or structures, represents a more robust way to explore (and assess) the degree of importance or commitment a company makes to CSR (Jones, 1980: 65; Basu and Palazzo, 2008: 132). Likewise, another type of process based argument has been put forward by those advocating a human rights approach in place of CSR. This proposes that companies should centre their corporate strategy (for non-financial commitments) on human rights *because* it is a process, and not outcome, based concept. The argument goes on to suggest that given its roots in deontological ethics in which an act is judged by the process (the motivation behind that act) and not its outcome, a human rights based approach results in a greater depth and breadth of commitment and action since it is not justified by its outcomes (the consequentialist branch of ethical theory, Wettstein, 2008, 2009b). Conversely, it is argued that CSR is often, and increasingly, rationalised on economic grounds leading to a much narrower set of commitments or no commitment at all and thus inadequate as a corporate strategy (Wettstein and Waddock, 2005; Wettstein, 2008, 2009b).[149]

Whilst this study did not set out to gauge the breadth or depth of companies' commitment to human rights and/or CR, it was clearly the case that many companies considered these governance measures as highly important in demonstrating both externally and internally their recognition and commitment to CR and human rights. In this sense, the structures companies had in place were a way (using one of Weick's key notions) to "*enact this sense back into the world to make that world more orderly*" (Weick et al., 2005: 410). In other words, structures, systems and mechanisms helped

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[149] Interestingly this question has also been asked (but rarely empirically investigated) in relation to CSR, in terms of whether CSR approaches (and justifications) based on deontological ethical theories give rise to a greater commitment than CSR approaches based on consequentialist (outcome) based ethical theories (Klonoski, 1991; Driver, 2006; Nijhof and Jeurissen, 2009; and, Frederiksen, 2010).

companies demonstrate not only their understanding to others but that order had been placed on human rights as a way of communicating that the situation was 'under control'. The value placed on structures can also be seen in many CSR frameworks and conceptualisations (such as Wood's, 1991, corporate social performance model) as well as practical guides that offer companies advice on implementing a human rights strategy including Ruggie's tripartite framework (BLIHR, 2006, 2010; Porter, 2008). Additionally, this is a key feature of academic work on stage models of CSR which, although process based frameworks, highlight particular structural features as important to a company's CSR development (as well as signalling the level of commitment). Notable measures include CSR policies, action plans and guidelines, a person or team to oversee responsibility, and monitoring and reporting protocols (see especially Carlisle and Faulkner, 2004, and Galbreath, 2009). That said, stage models and corporate guides do highlight a number of other non-structural features particularly and most prominently the leadership and endorsement of a company's CEO and Executive Board. This was also confirmed as a core theme in this chapter in that respondents identified senior leadership and support as essential to the effectiveness of implementation mechanisms for both human rights and CR.[150] Given the importance, then, that is placed on the presence and visibility of governance structures by companies and academia alike, the suggestion by a handful of respondents that separate measures such as a CR department are not needed (if completely embedded) contradicts many in-built assumptions of stage models and business thinking (in that the absence of structures and measure signals a high, not low level of recognition and commitment).[151] That said, it should be noted that the CSR stage model by Maon et al. (outlined in the literature review chapter) is a rare case that recognises this aspect and is represented in their last (transforming) stage wherein a company "*fully integrates CSR principles into every aspect of the organization and its activities*" (2010: 33-34). None of the study companies, however, had reached this stage; rather it was viewed as the ideal scenario but in practice a core person or team was, and will be, needed to provide ad hoc advice and/or for reporting purposes.

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[150] The importance of senior leadership is also well-documented in related literatures (and not just in relation to implementation but the process in general from awareness to action) be it human rights and business (Hamann et al. 2009), CSR (Lantos, 2001; Waldman et al. 2006) or business ethics (Carlson and Perrewe, 1995; Treviño et al. 2003; Brown and Treviño, 2006).

[151] This is also an assumption this study made, namely that the more structures in place, particularly that of a specific person, department or human rights policy, signals a higher level of importance attached to this area.

Continuing and extending the above theme (of the value companies attached to concrete structures), if the goal of sensemaking is "*the feeling of order, clarity, and rationality*" (Weick, 1995: 29), then setting up or using existing structures and systems represented an important way that companies reduced and imposed order on the disruption and confusion caused by human rights. As demonstrated earlier, this order (in terms of structures) was expressed in very different ways but a key influence on the type of variation produced was the presence of a CR approach or strategy. As a significant form of retained knowledge, it stands to reason that companies first looked to CR given its close association with human rights. In other words, to stabilise the disruption and confusion caused by human rights companies searched for similar situations and experiences from the past, that being CR for many, to give them direction for the present situation (Weick, 1979, 2001). In this way, the *retrospective* property of the sensemaking concept, representing one of Weick's key ideas, clearly surfaced in this stage (more so than in any other) in the way that new situations or issues were made to 'fit in' with structures developed to manage previous situations (or successful enactments to use Weick's words). This was also seen not just in relation to CR structures but when companies used core business systems to incorporate CR and/or human rights, most notably risk management procedures. Furthermore, the key reason articulated for the use of existing structures aptly demonstrates the *plausibility* property of the sensemaking concept in that for respondents to appeal to employees (whom many of the measures are aimed) using and referring to existing CR or core structures helped to explain and legitimise the issue and the action required of them (Feldman and Pentland, 2003: 108).[152] Also because employees are already familiar with these structures, they are able to fulfil new CR or human rights commitments within their everyday routines and practices, routines that Dutton and Dukerich call a "*well-learned response*" (1991: 519), avoiding the need for additional training or publicity measures. The plausibility element was also present where new systems and mechanisms had been developed, in that they reflected and modelled the design of existing structures, again to legitimise and appeal to employees that the issue (and action) was credible and plausible.

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[152] A further reason not articulated by respondents but is highly likely given the main pursuit of companies (that of profit maximisation) is that existing systems provided companies with a quick, efficient and economical way to manage new situation (Weick 1979: 215, Sullivan and Seppala, 2003: 108).

While the use of existing structures for realising human rights commitments was an important way that companies created a sense of order and stability, Sullivan and Seppala (2003: 109) as well as Frankental (2002: 131) argue that this spreading of responsibility amongst different areas and departments has resulted in the absence of a specific function for human rights. This study also confirms this view, finding a diffusion of responsibility as well as the lack of a dedicated human rights position or team was a common theme. Reflecting on the implications of this, Sullivan and Seppala argue that whilst it signals to others that human rights is less important as a management priority, essentially *"the ultimate measure of success is the actual performance of an organisation"* (2003:110). In other words, they argue that if the outcomes are the same then separate human rights measures (and explicitly labelled as such) are not needed or important.[153] For those advocating a human rights based approach, such as Addo (1999), Frankental (2002) and Wettstein (2008), the invisibility of human rights within corporate structures does matter for two key reasons. Firstly, and as outlined previously, companies that do not explicitly use the language of rights may fail to recognise key areas of responsibility and adopt instead (and prefer) a CSR based approach, founded on voluntariness and justified on economic grounds. Secondly it matters since, and was also highlighted by Sullivan and Seppala (2003), structures are imbued with meaning; thus the lack of visible human rights measures and resources signals to others it has little or no importance. The study lends support to this latter point, albeit in relation to CR, in that structures were considered as symbolically very important due to the meaning that people create and attach to them (as signalling how important or not something is to the company).

For Frankental (2002), an important first step towards making human rights more explicit and visible within corporate structures is a stand-alone human rights policy. Note also that practical business guides on human rights as well as Ruggie's 'Protect, Respect and Remedy' Framework developed for the UN (Ruggie, 2011a) also recommend the development of a human rights policy as an important initial step to signal a company's formal recognition of, and commitment to, human rights. The study confirmed this also, in that many companies had developed a human rights policy (or position, statement or standard) early on in the process. At first glance, then, this can be

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[153] It is interesting to note the consequentialist undertones in their argument (that the outcome justifies the means).

construed as a positive sign in that it signalled their formal and explicit acknowledgement of human rights. Upon further inspection, however, it materialised that none of the companies (bar one) actively used and referred to the policy internally and most were developed in response to external pressure and the heightened focus more generally on the human rights practices of companies. Having said that, respondents did on the whole recognise that this policy represented a generic and broad statement of understanding and that it required translating into specific guidelines and/or incorporated within existing mechanisms and policy areas. The final point to make about corporate human rights policies is that this study lends some support to research conducted by Preuss and Brown (2012) who found that the human rights policies of FTSE100 companies contained a narrow range of human rights (as compared with the UDHR), concluding that "*the overall level of commitment amongst the FTSE 100 firms is rather shallow*" (2012: 297).

This study also found that the range of rights in the study companies' human rights policies to be narrow in scope, but a much more complex picture emerged regarding the recognition and internal organisation of human rights (as revealed by the in-depth interviews). Firstly, the policy was considered by respondents as a brief summary document, indicative only of their understanding and commitments (and not a comprehensive list of responsibilities). Secondly, a much broader range of human rights were recognised in practice and respondents included within this existing areas and policies that aligned with human rights but were not branded as such (as outlined in Stage 2, section 6.4). Given this more nuanced and internal perspective, the study does not lend support to the conclusion of Preuss and Brown that the human rights policies signals a shallow *commitment* to human rights by companies. Rather, it is more accurate to say it shows a shallow *inclusion* or *indication* of human rights but a judgement as to the commitment of companies is not possible based on human rights policies alone and (as this study demonstrates) more process based and qualitative lines of inquiry can better explore how external policies are used within companies and whether an alignment exists with internal practices (and vice versa).

Whilst the discussion above focussed on *where* human rights were located in company structures and mechanisms (and the symbolic quality of this), other writers have questioned the appropriateness and effectiveness of governance structures in general to

address ethical matters. Zwetsloot (2003: 204) for example, argues that business management systems are built on scientific approaches (that being rationality and rational control) and are thus incapable of addressing CSR issues which require value based judgements (to determine what the best or right course of action for a given situation). Furthermore, Stansbury and Barry (2007: 253) as well as Maclagan (2007: 49) argue that ethics programs that rely on coercive and hierarchical systems of control can actually have the opposite effect from the one intended, with employees resenting the constraints put on their agency and undermining their capacity to make ethical decisions.[154] In contrast, Ditlev-Simonsen and Gottschalk (2011: 280) argue that controls systems and structures are important in driving CSR within companies but they also suggest that they must be supported by other mechanisms to create a sense of identity around them. Likewise, all these scholars highlight the importance of measures that facilitate sensemaking, rather than control behaviour, so that it enables, encourages and empowers employees to construct a collective understanding and judgement around matters of ethical significance. This could explain why, in part, the study companies were finding the implementation of CR and human rights difficult and challenging, given that they favoured 'stick' measures aimed at controlling behaviour, methods which constrain rather than enable sensemaking. This is something that Weick and Quinn (1999) warn against (restricting sensemaking) and argue that to encourage long-term change in people and organisations, managers should avoid telling employees what to do and "*show people how to be*" (1999: 380)[155] which includes embracing and encouraging, what Nijhof and Jeurissen call, "*strong sensemaking*" (2006: 318).

As just highlighted, Weick views sensemaking and the opportunity for sensemaking in organisations to be of great importance and warns that to ignore, or constrain, sensemaking "*is to encourage severe unanticipated consequences*" (1999/2001: 423). Weick, however, is somewhat vague and indifferent about the role that structures play in encouraging (and constraining) sensemaking. He recognises that "*organising and the consequences of organising are inseparable*" (1969: 16) but argues that structures "*merely provide the media through which the* [sensemaking] *processes are expressed*" (*ibid*). Given this 'gap' in Weick's analysis, the study makes an important contribution

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[154] Stansbury and Barry call this the "*potential (tragic) irony of ethics programs*" (2007: 253).

[155] This is based on their assumption that "*people change to a new position because they are attracted to it, drawn to it, inspired by it*" (Weick and Quinn, 1999: 380).

to the sensemaking and organising framework by providing empirical evidence that suggests structures can and do play an important role in facilitating and enabling sensemaking, something which Weick has so far underplayed, and thus supports wider academic literature that has (theoretically) proposed this (such as Ranson et al. 1980: 3; Vlaar et al. 2006: 1619, and Feldman and Pentland, 2003: 102). This enabling effect on sensemaking was most prominently seen in Stage 1 (Chapter 5, section 5.3.3) in relation to the key role that existing CR structures played in providing respondents a space to debate, discuss and make sense of human right (such as CR committees, forums and working groups). These mechanisms were important not just to clarify the meaning of human rights but in triggering human rights to be noticed in the first place and thus setting in motion a process of sensemaking in relation to human rights. A further example of this (sensemaking triggering effect of structures) was noted in relation to CR and those companies (nine in total) that stipulated using CR as a label or banner to organise and communicate externally their existing activities. Whilst this could be viewed as a somewhat 'tokenistic' or strategic use of the CR term, this had the unforeseen consequence of triggering sensemaking in these companies leading to further action by respondents to address gaps identified. Despite these examples, the study found that the structures and mechanisms that had an enabling effect on sensemaking were primarily aimed at managerial level and control mechanisms were still favoured for the bulk of employees (or those who operationalise the policies in practice).[156] As already suggested, this could account for the difficulties companies experienced with the implementation process and, it is proposed, they needed a better balance of mechanisms particularly those that encouraged the sensemaking and social interaction of employees (to create a shared identity or understanding about what these measures are trying to achieve as well as "*showing people how to be*", Weick and Quinn, 1999: 380).

The final point to make relates to the different ways that the study companies expressed, realised and structured their understanding of human rights internally. Whilst this chapter showed the complexity of these variations and described where companies

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[156] Although having said that, staff training was one of the only implementation mechanisms that appeared to have a dual purpose, used both to control behaviour and facilitate sensemaking. In terms of the latter, for example, a handful of companies talked about programmes that were designed to encourage participants to interact, discuss and debate ethical dilemmas. As one respondent explained, "*it isn't just click powerpoint training, it's quite interactive so it's around dilemmas and group discussions. It's getting people feeling comfortable talking, speaking up*" (MEa).

located human rights (in relation to CR and core business structures), what they also show, and what they are, is the result of the previous sensemaking and organising stages (the enactment and interpretation of human rights). Thus, whilst it may appear that these are simply a descriptive and disparate list of different internal arrangements, they closely relate to the previous stages and notably the interpretation of human rights. This close relationship between cognition (the meaning given to human rights) and subsequent action (the internal organisation of human rights) was also discussed in Stage 2 (Chapter 6) in which certain interpretations were highlighted as more likely to lead to minimal or no action (and these companies are represented in the fourth dimension of the Venn diagram). Also, and as expressed in the previous chapter, it is beyond the scope of this study to show how each of the study companies' interpretation of human rights influenced the action then taken to structure this understanding internally, but some examples have been highlighted along the way to demonstrate this connection where relevant and salient. In a similar vein, this chapter now concludes by presenting an example of one company's human rights trajectory. Note how each stage closely influenced the next, from the *enactment* of human rights (as something that happens overseas and not in the UK), to the *interpretation* of human rights (as an 'issue' in their supply chain specifically procurement and new mergers and acquisitions), and finally to the *action* then taken to realise and implement this understanding internally (as human rights protocols developed and then incorporated within their procurement and mergers and acquisitions processes).

7.5. From awareness to action: the human rights 'story' of Voltcity (IFa)

This final section focuses on the human rights 'journey' of one company (herein Voltcity) and provides a fitting conclusion to this chapter and the three (empirical) stages of the sensemaking and organising process. It illustrates particularly well the enactment (Stage 1), interpretation (Stage 2) and implementation (Stage 3) of human rights by a UK company. Note that the analysis of the narrative is enlivened by 'speech bubbles' that highlight key elements of the organising and sensemaking concept (such as the sensemaking 'properties') as well as some of the study's main findings.

7.5.1. Stage 1. What's going on? The 'enactment' of human rights

Voltcity's journey was initiated through means of two simultaneous and separate 'events'. The first 'event' occurred during the development and formalisation of their first CR strategy. To gain feedback on this strategy Voltcity carried out a series of external stakeholder consultations wherein human rights was highlighted as important and something the company should formally recognise.

> CR (as **retained knowledge**) prompted human rights to be noticed

Alongside this, the second trigger 'event' was a report published by Amnesty International detailing human rights abuses in the energy sector (in South America) of which Voltcity were implicated (albeit indirectly). This came as a surprise to the company particularly in light of their reputation for, and pride in, exemplary health and safety standards.

> **Identity** and image a key trigger for action

The uncertainly caused by both events prompted Voltcity to act. The respondent was assigned the task of understanding the meaning of human rights and first contacted Amnesty International to discuss the issues raised in the report and seek further information and advice.

> **Uncertainty** (as lack of information) the initial 'occasion' experienced

> Wide range of **cues** triggered 'noticing' and 'bracketing' of human rights to create a loose and tentative sense of **'what's going on'**

So that really started our journey trying to understand what human rights were in the broader sense and that's when we realised it wasn't just about state torture and imprisonment etc. and there were things that companies could abuse as well as governments

The subsequent interaction with Amnesty International, together with the two trigger events, resulted in Voltcity enacting human rights as something companies can directly affect and that which happens overseas but not in the UK.

7.5.2. Stage 2. What does this mean? The interpretation of human rights

To clarify the information gathered so far (and the vague impression formed about human rights) the respondent, following Amnesty International's advice, joined a new initiative being set up called the Business Leaders Initiative on Human Rights (BLIHR).

> ... it was a great opportunity for us to better understand what human rights was about in a very collaborative atmosphere

Social interaction pivotal to answer **'what does this mean?'** through discussing and exchanging ideas with others to construct a shared understanding

The respondent became heavily involved in the initiative and through their interaction with, and mostly learning from, other members (who the respondent viewed as globally significant companies and "*human rights professionals*") the meaning of human rights was clarified. Human rights were thus transformed from something that happens overseas to an 'issue' within in their supply chain (specifically procurement) and overseas operations (specifically mergers and acquisitions opportunities).

Before any further action could be carried out, approval was needed from the Executive Committee. The interpretation constructed by the respondent out of their BLIHR interactions was then translated and refined further with the help of a colleague and presented ("*sold*") to the Board as "*just another risk*". The reasoning behind this was that;

Strategic use of **language** to 'package' the issue and influence the sensemaking of others, constructing a **plausible** account that fitted the company's risk based language and approach

Applies key **sense giving** mechanism

> ... being an engineering company we love risks and risk management etc. so we talked risk … [and] … because of that approach rather than human rights scary thing, we fitted it in with the language of the company and it got the support and we had the mandate to pursue it further

7.5.3. Stage 3. What next? The implementation of human rights

With the Board's approval in hand and an interpretation of human rights that worked for the company, the respondent was ready to address 'what next?' in terms of realising

this understanding in practice. Two key actions were taken concurrently. Firstly, a position statement was developed outlining *"this is what human rights is or are, this is what it means to companies like* [Voltcity]*, this is what we're doing."* The statement was sent to all senior managers accompanied by a covering letter from the CEO encouraging managers to read and take note of the position statement. It was then published on the company's website to demonstrate externally their formal acknowledgement and understanding of human rights.

> Importance of **CEO/Board** support to encourage and drive implementation and change

Alongside the position statement, Voltcity developed specific human rights protocols for their procurement and mergers and acquisitions processes. These (new) measures were subsequently integrated within the company's overarching CR approach as well as within their core risk management framework (of which CR was also incorporated). The reasoning for this was;

> Using previous enacted situations and structures to **retrospectively** 'fit in' human rights and CR

> *... right from day one we've taken a view that CR and human rights is a management responsibility. It has to be embedded and driven from our core lines of business*

> Structures as **symbolic**. Signals to staff core to business

The learning generated from this process which will guide how future scenarios are understood was partially built-in to the measures developed for human rights. Thus for Voltcity, the human rights protocols will be activated and used when assessing future mergers and acquisitions and/or significant procurement opportunities. In this sense, the measures themselves will influence what future 'events' are noticed (is this a major procurement?) and interpreted (should we procure from this country?). This process (it is anticipated) will generate new insights and ways of seeing which, if retained, will feed back into the process and may over time develop into organisational memory (as routines and practices), memory that solidifies human rights for Voltcity as a supply chain 'risk'.

> Building in **learning** and new knowledge for future use

To conclude, the sensemaking and organising process for Voltcity was a successful one in the sense that it transformed human rights from a vague and problematic situation into a concrete, specific and manageable issue. Like all the study companies, their human rights 'journey' was a unique and multifaceted process, particular only to them.

That said, it also exhibited elements that were common to all (study companies) such as the multitude of cues, the importance of social interaction, the strategic use of language, the need for Executive Board leadership and support, the use of past (situations and structures) to make sense of the present, and so forth. Ultimately, this year long process resulted in Voltcity reducing all of their ambiguity and confusion surrounding human rights, allowing them to view the 'issue' as 'stabilised'. Therefore, when the next confusing 'issue' surfaced, as is inevitable in organisational life (and which in practice was water consumption), the sensemaking and organising process could begin once again.

Chapter 8

Conclusion: Synopsis, Contribution and Further Research

8.1. Introduction

In the previous chapter, the third and final stage of the SAO framework was presented. It described what companies did next (after interpreting human rights) to act on, demonstrate and organise their understanding of human rights internally, as well as the learning and knowledge retained as a result of this process. A number of observations and conclusions were then discussed in respect of the third (action and retention) stage. The purpose of this final chapter is to pull together and present the key findings and conclusions from all three stages and outline the study's empirical, methodological and practical contribution. To this end, the chapter is structured into five main sections. Firstly, an overview is provided of the study's main findings in line with the three stage sensemaking and organising framework. Secondly, the study's contribution to academic knowledge is discussed in relation to the three main 'fields' outlined in the literature review. Thirdly, the chapter focuses on the study's methodological contribution and asks what the sensemaking and organising framework brought to the study and vice versa. Fourthly, the practical implications are discussed in terms of the study's relevance and application to the business world and management practice. Lastly, the chapter concludes by discussing the study's main limitations and makes some recommendations for further empirical, conceptual and methodological research.

8.2. From human rights awareness to action: synopsis of key findings

This study concerns the evolution, process and practice of human rights within 22 UK companies as told by those tasked with its responsibility (some 30 participant interviews). The resultant findings are structured by a three stage sensemaking and organising process. This served as the study's analytical framework which complemented and sat within the study's broader theoretical and intellectual lens (that of human rights) and operationalised through an interpretive and qualitative research design. Note that the seven key sensemaking properties are highlighted (in bold) within

the organising framework to indicate where, in this study, they were found to be most prominent and salient.

8.2.1. Stage 1. What's going on? The 'enactment' of human rights

The first stage of the sensemaking and organisation process focussed on the *enactment* of human rights. It described when companies first noticed human rights and what they did to understand its relevance in the corporate setting (and in doing so enacted human rights, bringing it into existence for the company). Three key factors were identified as triggering companies to first notice human rights, with existing CR activity representing the most significant trigger, followed by media attention, scrutiny and criticism, and, lastly, senior management and/or key individuals acting as human rights 'champions'. A strong CR *identity* (as a significant field of retained knowledge) was found to play an influential role in prompting many companies to notice and take further action regarding human rights particularly when, for example, media allegations conflicted with this image. After noticing human rights this then triggered the study companies to ask 'what's going on?' and in doing so set in motion explicit sensemaking efforts to determine the meaning of human rights. It was also noted, and inferred, that the study companies represented a rare group in this respect, in that human rights had triggered them to take action whereas many companies, if not most, have not recognised human rights or dismissed it as not relevant (thus their 'journey', if you can call it that, stops here).

Once prompted to act companies searched for more information to address their uncertainty about human rights and clarified this information and ambiguity through *social* interaction to develop a shared understanding with others of what human rights means within the corporate setting. It was found that respondents first looked to, and relied heavily on, internal resources of information both formal and informal such as the expertise of work colleagues (particularly team members), existing committees and forums for CR, and respondents' own stocks of knowledge and experience. External sources were also utilised such as business initiatives (particularly the UNGC and BITC), direct contact with peers in similar companies, consultants, and engaging with stakeholders. The enactment of human rights was thus seen as emerging through an iterative, reciprocal and *ongoing* process in which respondents navigated back-and

forth between a myriad of different internal and external 'inputs' to create (to enact) a tentative and loose sense of what human rights means. These activities and interactions also demonstrated the bracketing of human rights (as a central aspect of the enactment process) wherein *cues* and portions of the environment were noticed, selected, brackets put around and then connected together to explain 'what's going on'.

8.2.2. Stage 2. What does this mean? The interpretation of human rights

The second stage of the sensemaking and organisation process focussed on the formal interpretation of human rights adopted by companies and the language they selected and used to convey and describe human rights within the corporate setting. It was argued that through these interpreting and labelling activities companies addressed the key question 'what does this mean?' both in a general sense and for their organisations, and in doing so imposed a significant amount of order and clarity on the flux that human rights presented them with.

The different interpretations of human rights as formally adopted by companies were first outlined and the variety in their meanings highlighted. Six main constructions were identified, that of human rights as:

1. Vague, abstract, broad and conceptual;
2. Supply chain operations and the global arena in general;
3. Employees and workplace responsibilities;
4. Regulation and legal compliance, particularly employment law;
5. Overarching standards and principles, or issue of risk; and,
6. The Government sphere as main protector or perpetrator of human rights.

Companies typically adopted two to three formal interpretations of human rights but it was noted that some respondents (six at least) felt they possessed a greater knowledge and understanding of human rights than their organisations. The way in which respondents expressed and conveyed the company's formal understanding was also highlighted, such as referring to specific departments, policies, terminology and stakeholders.

The language, terminology and labels selected and used within companies to describe and interpret human rights emerged as highly complex. Nearly all of the study companies adopted a term to represent the 'official' corporate message and overall approach for non-financial commitments, the most common being 'Corporate Responsibility' followed by 'Sustainability' and 'Corporate Social Responsibility'. Human rights was not a term used to present or structure the overarching approach nor was it used by respondents or their colleagues in everyday communication. Rather, the daily language used within companies was viewed as much more diverse, fluid and subject to change and adaptation. Respondents highlighted the role they played in shaping the daily 'working' language of their organisations in terms of their efforts to adapt, customise and 'break down' the concept of human rights (as well as CR) into language that was meaningful, *plausible* and already in everyday use. It was noted how this translation role pointed to a more strategic and political use of language by respondents as a key way they influenced and gained traction from senior management to pursue the human rights agenda. A business case framed language that emphasised bottom-line gains was seen as being particularly important for 'selling' the human rights vision to others even when using this language and rationale conflicted with the personal (moral) stance of respondents.

Finally the chapter described the human rights responsibilities recognised and/or prioritised by companies. It found that companies largely articulated a responsibility for labour rights particularly in relation to employees and workers in their supply chains. It was noted that whilst companies adopted a mainly passive responsibility for human rights (a 'do no harm' approach), they did at times assume 'positive' responsibilities such as responding to specific country and/or sector based issues, or collaborating with others to address broader structural challenges in the regions and countries they operated in.

8.2.3. Stage 3. What next? The implementation of human rights

The third and final stage of the sensemaking and organising process explored how the study companies addressed the remaining ambiguity of 'what next?' in terms of bringing their human rights "*meaning into existence*" (Weick et al. 2005: 410). This focussed on the new, tangible and concrete actions taken by companies in the form of

structures, systems and mechanisms to implement and structure their human rights understanding and commitments in practice.

The initial action taken by companies after responsibility was assigned to an existing person or team, was to develop a stand-alone human rights document (be it a policy, position, statement or standard). These varied greatly in purpose, scope, content, length and focus, but all outlined the companies' interpretation of human rights and main areas of commitment. None of the companies, bar one, referred to or used the policy internally and other mechanisms were used instead to translate, implement and operationalise this policy internally. The diversity with which this internal translation (of the vision) was actioned and structured was highlighted, along with the key role that CR played in this process. Seven main implementation 'types' were described with the largest group of companies organising human rights within existing CR structures (and both were integrated within the core business functions and structures, notably risk procedures). Using existing structures and mechanisms to 'fit in' human rights was noted as a form of *retrospective* sensemaking in which many companies drew on their past CR experiences to provide guidance and direction for the management and implementation of human rights.

A number of additional key themes also emerged from this stage. Firstly, implementing human rights (and CR) is the biggest challenge facing the study companies and (for this reason) the learning acquired from this process for future use has yet to fully materialise. Secondly, structures are imbued with symbolic meaning, signalling human rights or CR as important or insignificant, peripheral or core, committed ('walk the talk') or superficial ('window-dressing'). Thirdly, 'control' type mechanisms and protocols for addressing ethical issues were favoured by the study companies (as opposed to enabling, or 'carrot', measures), but the appropriateness and effectiveness of this approach has been highlighted and questioned by the academic literature. Finally, as the Voltcity case study demonstrated, there is a close relationship between the meaning generated in previous sensemaking stages (enactment and interpretation) and the action then taken to realise and translate this meaning within company structures and systems (as the product, the outcome of the sensemaking process).

Seen through the lens of the sensemaking and organising framework, the study companies had successfully made sense of, and imposed order on, the unknown and confusing terrain that was human rights. Whilst a minority had now 'dealt with' human rights, with all remaining uncertainty and ambiguity removed, for most companies some ambiguity still remained but they were satisfied that their understanding and action had adequately stabilised the situation enough to allow them to focus on other 'projects'.

8.2.4. *Summary of cross-cutting themes*

As shown above, the three stages of the SAO framework provided a useful way to break down and present in detail the development of human rights within business practice. A drawback of this, however, is that it simplifies and conceals the many connections and overlaps between the stages. Where possible these connections were highlighted within each of the stages, but it is useful at this point to summarise and discuss the main cross-cutting themes that emerged in this study (namely CR, social interaction, language, identity, leadership and industry).

The first, and perhaps the most evident, cross-cutting theme is that of CR. As highlighted in all three empirical stages,[157] CR was a very important organisational-level 'frame' (the retained knowledge and 'memory' of the organisation) that strongly influenced how companies interpreted and managed human rights. For example, and as noted in Stage 1, an existing CR strategy triggered many companies into noticing human rights for the first time. Moreover, the structures set-up for CR served as important mechanisms for respondents to make sense of and interpret human rights. The internal expression and organisation of human rights were also shaped by the presence of CR. As Stage 3 showed, nearly two-thirds of companies used existing CR structures and processes to integrate and implement their human rights commitments. The pivotal role played by CR was noted within the various stages as having both a positive and negative influence over companies' human rights trajectory. The implications of this for the protection of human rights are discussed in the next section

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[157] See in particular Chapter 5 (sections 5.2.1 and 5.5), Chapter 6 (sections 6.4 and 6.5) and Chapter 7 (sections 7.3 and 7.4). The role of CR is also discussed at various points in this chapter (see sections 8.2, 8.3.1 and 8.4).

(8.3.1) and include the convenience of using existing CR structures, the invisibility of human rights within CR processes and CR's emphasis on corporate performance, profitability and voluntariness.

Whilst CR emerged as a crucial theme for the *organising* process of the SAO framework (as the knowledge retained in Stage 3 that feeds back into Stages 1 and 2), for the *sensemaking* process the properties of social and identity emerged in many of the stages. Of these, the social property was an especially prominent cross-cutting theme, and, like CR, was discussed in some detail in the different stages (notably Stages 1 and 2). To recap, Stage 1 showed that an important way respondents constructed and clarified the meaning of human rights was via social interaction. Participants found the process of discussing and sharing their views with team members and external parties (most notably peers in similar companies) to be extremely beneficial. In Stage 2, the social sensemaking property surfaced through the use of language and the social efforts of respondents to package, 'sell' and communicate the human rights 'vision' to others in the company. The importance of communication was also highlighted by respondents in Stage 3, particularly the need for senior management to endorse and reiterate the human rights message within the company to help generate awareness around implementation measures. Lying behind many of the above examples, and as noted in each empirical stage, were respondents themselves, many of whom exemplified and embodied the social sensemaking property. As discussed later (section 8.3.2), respondents highlighted the wide range of knowledge and skills they needed to perform their role, many of which relate to and call for social, communication and language expertise. For example, respondents were very eloquent and adept communicators (the researcher found), had developed and regularly used a network of internal and external contacts, and, as key 'sensegivers', understood the importance of language and labels to reduce confusion and persuade others towards a particular interpretation and course of action.

Like social, the sensemaking property of identity was an important cross-cutting theme, surfacing particularly in Stages 1 and 3. As noted in Stage 1, a number of companies became aware of human rights following allegations and criticisms levelled at their company and/or industry. This conflicted with their identity in two ways. Firstly it presented a risk to the reputation and brand of the company, and secondly it

represented a 'shock' to those who prided themselves on being a responsible company. Both points, but particularly the latter, also demonstrate the close link with Stage 3 of the SAO process. Corporate image and reputation was noted as representing an important part of the retained 'memory' of the organisation and influenced what changes in the environment were identified and considered pertinent (in this case human rights). The notion of reputation also surfaced in other ways, most notably in Stage 1 where companies noticed and used human rights to enhance their external CR image, and in Stage 3 where putting in place structures, systems and mechanisms to implement human rights commitments demonstrated externally that they 'walk the talk' (thus enhancing their reputation in the process).

The fourth notable cross-cutting theme is that of leadership. The importance of senior management, particularly the Executive Board, in driving, supporting and/or endorsing human rights emerged in all three SAO stages both directly and indirectly. In terms of their direct influence, CEO's in four companies were identified as instrumental in human rights being first noticed (section 5.2.3), and the explicit endorsement of the Board was considered critical to the successful implementation of both human rights and CR commitments (section 7.2.4). In terms of senior management's indirect influence, both the interpretation and packaging of human rights were influenced by the (perceived) language, interests and goals of the Executive Board. Respondents highlighted how, despite having a good understanding of human rights, they interpreted human rights and packaged this interpretation in a (typically narrower) way that resonated with the Board. For example, they aligned the meaning of human rights with the wider aims, objectives and language of the organisation and appealed to aspects such as risk, reputation, image and bottom-line (benefits). This last point (the 'selling' of the human rights vision) was highlighted as demonstrating the important role that respondents played as leaders (at the middle management level) within their organisations. Whilst only four respondents specifically identified themselves as the driving force behind their company's human rights focus and agenda, the overall impression was that respondents exerted an important influence over the human rights process (and section 8.3.2 discusses their role further).

The final important cross-cutting theme to highlight is that of industry/sector. Whilst this did not surface as explicitly as the previous themes, of the main organisational

features (such as sector, revenue, size, number of employees) the role of industry was the most noticeable. In Stage 1, for example, a number of companies became aware of human rights when their industry (most notably the retail and controversial sectors) became the subject of external criticism, scrutiny and attention. Respondents also cited peers and companies in the same sector as important sources of information for learning about and clarifying the meaning of human rights as well as to benchmark their company's performance against. The industry theme surfaced strongly, and was most visible, in Stage 2 wherein the human rights commitments made by companies closely tied to the type of business activity undertaken. Examples given were telecommunication companies' focus on customer privacy, retail companies and labour standards, and extractive companies and the health and well-being of local communities. Of the three stages, the role of sector was least evident in Stage 3 as most of the study companies were focussing their efforts here (the implementation of human rights) thus making sector differences difficult to identify. Having said that, transport and manufacturing companies (who perceived themselves to be the more process driven industries) were more likely than others to highlight the incorporation of human rights and CR commitments within risk management procedures.

8.3. Empirical contribution to academic literature, knowledge and research

This section outlines the study's empirical contribution as it relates to the three main bodies of knowledge and research outlined and discussed in the literature review chapter.

8.3.1. Business and human rights

As highlighted in the literature review, this study firmly locates itself within the emerging academic field of business and human rights and makes an important contribution to this developing body of relevant knowledge, practice and research. It is also this body of literature that inspired and motivated the current study, in that it aimed to bridge the gap between academic literature, with its non-empirical, theoretical, normative and conceptual focus, and the quantitative, applied, atheoretical and content-based empirical research of UN/Ruggie literature. The study bridged this gap by adopting an interpretivist and qualitative research design to explore *in situ* how the

notion of human rights was actually used, interpreted and managed within companies and from the perspective of those tasked with its responsibility (thus also providing an insight into what managers actually do in practice with regards human rights).

Given this comparative lack of qualitative research, this study provides a comprehensive picture and overview of how a commitment to human rights evolves, develops and unfolds within UK companies. In simple terms, it provides a much better understanding of what actually happens *within* companies when they are faced with 'human rights' as a strategic issue for the first time. Having highlighted this broader point and general contribution of the study, the discussion now focuses on what are considered to be some of the key findings of the study and discusses their implications for the business and human rights field as well as for the concept of human rights more generally.

The first key observation to make is a general one and concerns the complexity with which human rights was enacted, interpreted and implemented by the study companies. Not only did companies understand and act upon human rights in very different ways, but how they approached the task of understanding human rights varied greatly. The evolution of human rights, was revealed to be a unique, complex and customised experience for each company, owing largely to a myriad of internal and external inputs that influenced when human rights was noticed and how it was interpreted. The context-dependent nature of this process thus emerged strongly from the data and is a key aspect that empirical research on business and human rights has underplayed (due to its focus on content and outcomes). This study, therefore, makes an important contribution to research in this field by providing an original and detailed look at how companies translate and customise the human rights concept within business practice and the factors that influence this process.

It is this translation process observed in companies, the bringing of human rights "*down to earth*" (Nickel, 1987: 37), that the broader human rights field considers essential for the protection and promotion of human rights (Nickel, 1987; Donnelly, 2003). It is an idea built into the international (UN) human rights system, a notion that understands human rights to be a global project but one that must be made meaningful and acted upon locally to be successful (Freeman, 2011). Applying this thinking to the study and

the business context; it follows that the numerous ways that companies had interpreted and implemented human rights, although complex and puzzling at first, demonstrated their different attempts to customise and adapt the human rights concept for the corporate context. In doing so, companies were, in theory, better placed to understand, construct and realise human rights commitments in practice. However, there is always a danger that human rights are customised to such an extent that their essence (what they aim to protect and achieve) is either diluted or reflects and reinforces harmful local practices. The study found some (potential) evidence of this, in that, as highlighted in Stages 2 and 3, an important way that companies brought human rights 'down to earth' was by translating human rights into familiar, everyday language, and integrating commitments within existing CR and risk management processes. It was noted that this could run the risk of making human rights invisible within organisations, something which would trouble those business and human rights scholars who consider it vital that human rights are given an explicit presence within companies (Addo, 1999; Frankental, 2002; Wettstein, 2008). However, noting that these scholars fail to specify the exact form this explicit presence should take (should all employees be made aware of human rights for example?), this study adopts a more nuanced view regarding the visibility of human rights in companies, a view only possible from having researched human rights qualitatively and from the corporate viewpoint.

To recap, the study found that a manager and/or team was initially assigned the responsibility of researching and clarifying the meaning of human rights (before this was then acted upon and made relevant for the rest of the organisation). These actors represent, using Nickel's three levels of human rights practice and discourse, the important second level, the intermediate stage where abstract human rights (the higher moral level) gets translated into specific operational processes, protocols and guidelines (the local level application of human rights). With this in mind, this study supports the view, along with Sullivan and Seppala (2003), that it is not necessary for all employees and divisions to understand and use the term human rights, especially when a company has a dedicated person or team that can grasp the implications of human rights and operationalise it for the corporate setting. In this sense, these key organisational actors effectively function as the company's visible *internal* presence or recognition of human rights. However, in addition to this, the study's findings would support human rights scholars who argue it is important for companies to show the *external* world their

recognition of human rights through, for example, a human rights policy and/or a statement of support from a senior figure in the organisation (preferably Executive Board level).[158]

The second key theme that emerged from this study concerns the role of companies in the protection and promotion of human rights. Notwithstanding a handful of companies that considered human rights to be of no relevance to their business operations, the majority of participants had recognised and assumed some (albeit varying) responsibility for human rights.[159] This may seem an obvious point, but it is an important one to make since the majority of UK companies have not explicitly recognised human rights to be relevant and/or have assumed that human rights provisions are included within business regulations (thus fulfil their responsibilities this way). Of those that had recognised human rights, and as highlighted in Chapter 6 (Stage 2), this study lends some support to previous (limited) research that suggests companies have recognised a narrow range of human rights, particularly labour rights (of employees), and adopted a passive responsibility (a 'do no harm' approach) for these rights. This approach (to refrain from causing direct harm) was also noted as being in line with much of the prescriptive business and human rights literature and the role they have assigned to companies (Lane 2004; Wettstein, 2012a). Although the study confirmed this, it also offered a more detailed and nuanced view of companies' responsibilities towards human rights by its application of a specific conceptualisation of human rights. To recap, the study conceptualised human rights as the current mechanism (in the form of the UDHR) that protects and promotes three fundamental human interests – autonomy, life and security – considered essential for a basic dignified life, a life as "*a fully human being*" (Donnelly, 1982b: 404). As outlined in Chapter 2, this minimal account of human rights was used to explore the business recognition and commitment towards basic human rights and to explore the type of approach adopted by companies (and hence whether this aligned with the minimal 'do no harm' role assigned to business by the scholars in the field). As indicated above, whilst this study did find that companies had mainly adopted a passive responsibility

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[158] Note that the importance of senior leadership was a key (cross-cutting) theme of the study, and such figures are particularly important in terms of the visibility of human rights since they represent their company's recognition and endorsement of human rights for both external and internal audiences.

[159] Although, it must be highlighted, this reflects the bias in the sample since companies were selected on the basis of having made some commitment towards human rights.

for human rights, particularly those rights in the areas of autonomy and security, the analysis also revealed pockets of proactive action. As with the rights recognised, these contributory activities mainly related to the areas of autonomy and security and included action on specific rights (such as workplace safety), collaborating with others to tackle structural human rights issues, and responding to specific industry and/or regional human rights concerns. With this in mind, it can be seen that the business and human rights field has generally underestimated the extent to which companies will accept broader responsibilities beyond that of 'do no harm'. The study therefore advances this understanding by, for example, highlighting the conditions (such as political and geographical) that trigger and shape when companies assume a more proactive role and the indirect measures they perform to support the promotion of human rights.

Whilst the areas of autonomy and security received the most (human rights) attention from companies, the area of life was particularly interesting to the study for the way it drew attention to the relationship between human rights and CR. Finding that the rights associated with life and well-being (mainly subsistence rights such as food, shelter and housing) were least recognised by companies, the study observed that activities companies had not framed as human rights commitments, such as their CR and particularly community investment work, were related to many of the subsistence rights (for life and well-being). This contribution of CR towards the fulfilment of many basic rights (and subsistence rights in particular) is something that has not been fully detailed or appreciated before in previous literature or research. Of those that have explored this relationship (as outlined in the literature review, section 3.3.4) they have generally focussed on what human rights offers CR (that being a moral discourse, grounding and justification) and not how CR contributes positively towards the protection of human rights. This study has therefore greatly improved our knowledge, not just concerning the intersection of human rights and CR in protecting basic human rights, but also the nature of the relationship more generally in terms of where and how CR and human rights interrelate and with what effects (discussed next).

Despite this study's overriding focus on human rights practices within companies, a major theme that emerged in each of the sensemaking and organising stages was the relationship with the related field of corporate responsibility. As highlighted many

times, the presence of an existing CR approach or strategy significantly influenced how companies noticed, enacted, interpreted and implemented human rights. The important role that CR played in companies' human rights 'journey' represents a key finding of the study and, as noted above, has not been explicitly documented before (and certainly not empirically). It is an important role (not to mention finding) in two key respects. Firstly, in a practical sense, for those who advocate that companies must recognise and commit to human rights would do well to direct their efforts towards companies already engaged in CR (as, it was argued, they are more open to the idea of human rights). Secondly, it played an important role in an academic sense by helping to explain, in part, the variations that emerged in how companies implemented human rights. Indeed, the CSR sensemaking research has documented the primary importance of the "*character*" (Cramer et al., 2006: 387) and "*culture*" (Silberhorn and Warren, 2007: 366) of organisations in shaping CSR and the implementation process, but for the study companies CR (as one aspect of an organisation's character) played a considerable role in shaping what they did with human rights (in terms of implementation). To understand how CR came to play such a prominent part in the human rights process, the SAO framework proved valuable, especially by highlighting the important role that retained knowledge and organisational memory plays for how a current (puzzling) situation is made sense of. It is understandable, then, that companies drew on this previous (CR) learning given its close association with human rights and that when implementing human rights, existing CR structures provided a quick, plausible and economical way to structure them internally.

Despite the useful role that CR served in how companies implemented human rights, a particular drawback of this, as discussed earlier, was that human rights are in danger of becoming 'hidden' within CR structures and processes. In addition to structures, the 'tone' of CR emerged as another drawback, and the emphasis on corporate profitability and performance surfaced in all three stages in relation to human rights. For example, in Stage 1 (section 5.2.1) a small number of companies formally noticed and used human rights to enhance the external image and reputation of CR. And in Stage 2 (section 6.3.2), respondents talked about packaging the interpretation of human rights using an 'enlightened self-interest' narrative to gain support from colleagues (particularly senior management). It must be stressed, however, that this CR 'tone' or 'character' had not become fully embedded within human rights, and most companies viewed human rights

as a moral and, to a lesser degree, legal concept. But this intermittent and emerging use of a business case language and/or rationale in relation to human rights represents a (potential) cause for concern as it contrasts sharply with the overriding moral and deontological character of human rights. It would also concern those business and human rights scholars, most notably Campbell (2007, 2012) and Wettstein (2009b, 2012a), who argue that CR research and practice must embrace the principles of human rights (such as ethics, social justice and dignity) to steer CR away from its association with voluntariness and profit maximisation. Whilst a previous study (that of Arkani and Theobold, 2005) found evidence that UK companies had justified human rights using a cost-benefit rationale, this study advances this knowledge further by highlighting when the business case narrative surfaced and why. And whilst this narrative had not (yet) fully permeated how companies interpreted and managed human rights, this study draws attention to the potential that this narrative (which currently dominates CR thinking and practice) might have for how companies recognise and use human rights in the future (will they, for example, only recognise or select particular human rights on the basis of their usefulness to the bottom-line?).

An important theme that surfaced, although not as explicitly as those above, was a surprising and somewhat disappointing finding (to the researcher at least). There was a sense that human rights, as a phrase, topic or issue, had lost some of its importance and urgency for the study companies. This emerged in a number of ways. Firstly, for those companies that viewed human rights as an 'issue', their focus had now shifted to other 'issues' and 'projects' considered to be more salient and pressing to the business, areas such as climate change, water consumption, work-life balance and living wage. These companies were also more likely to view human rights and the process of understanding its relevance for the company as a specific 'project' with a set finish. Whilst this approach worked for these companies in reducing their ambiguity around human rights, and indeed the ultimate goal of the SAO process is *"to establish stability and predictability"* (Weick, 1995: 153), it was noted that this 'taken care of' attitude towards human rights may result in a failure to notice important changes in their environments (as posing a risk or opportunity). A further indication that the priority on human rights had lessened in recent years was the language used by the study companies. As highlighted, the term 'human rights' was used only in a formal way and typically as an external human rights policy (or statement, standard, etc.), but this

policy was not utilised or referred to within the company. CR was, in contrast, a term commonly used by respondents in their teams (if one existed) but, as with human rights, it mostly did not form part of the formal or informal language of the wider company (apart from three companies). What was equally striking and surprising about these discussions was that the label of human rights was viewed in a wholly negative way by respondents, a term being problematic, unhelpful, controversial and political: far more so than other related labels, be it CR, CSR, Sustainability or Business Ethics.[160] The clear message behind its non-use demonstrated the strength, potency and enduring quality of the 'Amnesty International' agenda (or 'frame'), whereby respondents viewed, or assumed that others would interpret, human rights to mean gross violations by repressive state regimes in non-UK countries. This national level ideological 'frame' exerted a significant influence on the meaning attached to human rights and was the interpretation most likely to result in minimal or no action by companies (in terms of implementation). Again, as with the other areas discussed above, these findings – that of human rights having lost importance, the negative connotations of the term and the strength of the Amnesty international 'frame' – have not been identified in related academic literatures or indeed in the wider media (trade magazines, NGOs, etc).

Whilst the implications of the above finding (the diminishing importance of human rights) are returned to later in this chapter (section 8.6), it is important to highlight for the sake of balance three points that suggest an alternative perspective. Firstly, despite the label of human rights being particularly problematic, no company rejected or dismissed the principles behind the human rights concept and indeed some companies had amended and improved their existing policies to incorporate human rights considerations whilst not labelling them as such. Secondly, for two companies human rights had actually become more prominent in recent years owing to the rapid growth of their industry (that of telecommunications) and with it heightened public scrutiny and attention (on particular issues such as privacy and data protection and disclosure). It would appear, then, that human rights becomes a more prominent and urgent area (or issue) of concern for different companies at different times, and just as the media spotlight was firmly on the use of 'sweatshops' and child labour by footwear and

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[160] This finding was not just a surprise to the study but represented a 'shock' to the researcher given that the term and the principles behind it are viewed, on a personal level, in a positive light (as being liberating, inspiring and fascinating).

apparel companies when "*the issue of business and human rights burst into global public consciousness in the 1990s*" (Ruggie, 2008a:1), it appears to have shifted to other sectors, telecommunications being one of them.[161] Indeed, even the study company that was the focus (amongst others) of the media spotlight in the mid-1990s believed that human rights had lost some of its importance for them and that they needed to raise its profile again and increase its visibility within their CR approach. Perhaps tellingly, however, this respondent could not explain the reason for this or what benefits increasing the visibility of human rights would bring to their CR approach and the company at large. The third and final alternative perspective, is that rather than human rights having lost importance and urgency for companies it represents the product of the SAO process. Thus it demonstrates that companies have made sense of human rights and placed order on the flux it had caused them by using existing frames of reference such as risk and supply chain management. This latter perspective could be viewed as an encouraging sign, or at least not a negative one, in that it displays a successful outcome of the SAO process, the goal of which is to "*structure the unknown*" (Weick, 1995: 4). Similarly, applying Downs notion of the 'issue-attention cycle' (1972) would suggest that rather than human rights having lost importance, it reflects the general attention cycle that issues progress through and that as companies have come to better understand human rights other more pressing and puzzling issues have take centre stage.[162]

As highlighted above, the association of human rights with the 'Amnesty International' agenda emerged as a significant 'frame' in this study and one that illustrates how the government realm and political (abuse of) power continues to dominate the meanings attached to human rights. This association will come as no surprise to human rights scholars since, and as outlined in Chapter 2, the human rights concept emerged, and is still predominantly used today, as a way to voice, make visible and challenge the

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[161] This may suggest that the efforts of human rights campaigners would be better spent raising human rights concerns intermittingly or focussing on certain sectors at a time.

[162] Note that Downs based the 'issue-attention cycle' on public interest (in issues), but equally it applies to the situation within companies and the way in which issues progress through different stages from alarm to "*boredom*" (1972: 39). Likewise, this can also apply to the level of *public interest* in human rights. As suggested above, the human rights conduct of business was centre stage for the public in the mid-1990s owing to a number of high-profile scandals (principally led by NGO campaigns and media coverage). Over time, however, this attention has declined but interestingly has resurfaced as a concern in other sectors (such as telecoms), again perhaps illustrating that human rights has not decreased in importance but rather reflects the attention cycle of issues.

misuse of power by states agencies. It is a deeply entrenched association that scholars and activists (in the field of business and human rights) have tried to unpack and challenge for the past twenty years, a considerable undertaking given it "*changes the very foundations of human rights thinking*" (Muchlinski, 2001: 32). The findings of the study suggests that such efforts by scholars and activists alike have been successful up to a point. For example, most companies recognised the human rights concept to be relevant to the business arena and acknowledged that their activities can directly affect human rights (notably those of employees and supply chain workers). However, the state-centric view of human rights still runs significantly deep within the mindset of business, so much so that this national ideological 'frame' was highlighted as the interpretation most likely to result in minimal or no action by companies. Despite, then, the various attempts to broaden the remit of human rights to include economic power, much work is needed for this to gain traction not just in business but amongst general human rights scholars and activists (who still construct the state as the main perpetrator and protector of human rights). Indeed, such is the dominance of this association that some have argued there is a need for a different way of talking and thinking about the protection and promotion of people's fundamental interests, such as care of ethics (Robinson, 1998), social justice (Beitz, 1979) and global ethics (McGrew, 1998). Whilst such arguments are understandable, given the frustration many have with the human rights concept, we have already seen an abundance of alternative concepts and terms proposed over the years (Waddock, 2004b), and it is doubtful whether another perspective will bring further clarity to the debate about the role of business in society. What the human rights concept does bring, however, is a rich and deep history of discourse and thinking about the basic and minimal requirements needed for a life of dignity (Nickel, 1987; Ignatieff, 2001). Human rights thus establish "*the lower limits of tolerable human conduct*" (Shue, 1980: ix) and provides, in the form of the UDHR, the "*minimum moral requirements*" (Donaldson, 1999: 465) for how human beings should be treated (by people, communities, companies, governments, etc).

As just discussed, a particular advantage of the human rights concept is its focus on the moral bottom-line. It is a focus that has evolved, particularly since the late 1940s, from concerns about abuse, cruelty and harm by state entities. The association of human rights with state repression also surfaced strongly in this study, again through the Amnesty interpretation of human rights (highlighted above). That the human rights

concept is preoccupied with state abuse and repression is something that, again, should come as no surprise to human rights scholars. It is a notion that is built into the human rights concept and has been codified into various charters, regulations and declarations, including the UDHR, where 'freedom from' rights (particularly civil and political) are considered of higher status and priority than others (such as economic, social and cultural rights) (Morsink, 1984; Campbell, 1999; Landman, 2006). This focus on freedom *from* interference (and abuse) particularly surfaced in Chapter 6 (section 6.4) which found that companies mainly articulated a negative responsibility for human rights (to refrain from causing direct harm). However, the study found it much more difficult to capture and measure the positive, proactive and indirect contributions made by companies using a human rights framework. Thus, whilst the human rights concept tells us much about the moral floor of human treatment and how to measure this (i.e. by focussing on direct harm caused by a single perpetrator), it is far less clear about what the ceiling of human treatment and flourishing should be and how to realise and measure this. Wettstein (2012a) also recognises this weakness in the human rights concept and suggests it has permeated the business and human rights field, arguing that it "*has been centered in large parts on wrongdoing and, accordingly, tends to adopt an overly narrow focus on corporate obligations of the negative kind*" (p.745). Much further work is needed to determine how (and whether) the human rights concept can be operationalised to gauge the impact of positive and proactive measures, including indirect and cooperative efforts, which will also, in turn, help companies focus not just on mitigating 'wrongdoing' but how they can (and do) contribute towards the promotion and realisation of human rights.

This section concludes by discussing the implications of this research for John Ruggie's perspective on business and human rights as presented in his UN tripartite framework (outlined in Chapter 3, section 3.4). The first point to highlight is that only three respondents mentioned Ruggie's work (mainly when detailing the sources of information they used to clarify human rights) and none of the study companies had implemented the business related part of the tripartite framework (that being the second pillar: the 'corporate responsibility to respect human rights'). The latter finding, however, is to be expected, since at the time of the study's interviews (from 2009-2011) the Tripartite Framework was fairly new (having launched in 2008) and the Guiding Principles, which provide guidance on implementing the framework, had yet to be

published.[163] What is surprising, however, is that only three respondents mentioned the tripartite framework, and given that other UN sources were mentioned, and more often, especially the UDHR, UNGC and ILO, it showed that respondents were aware of and had used UN sources (so more would be expected to have referenced the framework).

In terms of the different ideas and assumptions contained within the tripartite framework, the study provides both supportive and contradictory evidence. Firstly, the study lends weight to Ruggie's decision to reject the inclusion of specific and customised human rights duties for business. As outlined in Chapter 6 (section 6.4), companies recognised that they could affect many different rights even though they tended to focus on the labour rights of employees. This latter finding, however, also contradicts Ruggie's decision to reject the 'spheres of influence' concept (which he was mandated to clarify). As detailed in Chapter 6 (sections 6.2.3 and 6.4), companies predominantly identified and structured their human rights responsibilities according to different stakeholder groups. Whilst Ruggie was correct to argue that the 'spheres of influence' concept conflated two ideas (the *proximity* to groups affected by business activity, and the *influence* of business to promote human rights), the proximity principle is still an important way that companies identified their commitments and is also a popular idea used in academic literature (for example Ratner, 2001; Frankental, 2002; Rice 2002; Macdonald, 2011).

Instead of the 'spheres of influence' approach, Ruggie opted for a due diligence process (the steps that companies take to identify their impact on human rights), and recommended that companies incorporate these steps within existing risk management processes (Ruggie, 2011a). This research does lend weight to this recommendation given that, as detailed in Chapter 7 (section 7.2.4), a number of companies had found it useful (and convenient) to incorporate human rights commitments within their core risk procedures. This recommendation, however, and the due diligence process itself, is based on the framework's core principle of risk (Ruggie, 2013) which many scholars have criticised. For Ruggie, this risk based framework means that companies should "*avoid infringing on the human rights of others*" 2011a: 13) and "*become aware of, prevent and address adverse human rights impacts*" (Ruggie, 2008b: 17). This

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[163] The Guiding Principles were published in March 2011, one month after the last PhD interview had been conducted.

overarching "*do no harm*" (Ruggie, 2008b: 9) risk-based approach has been criticised on the basis that it focuses on a negative responsibility for human rights (the risk of violating human rights and/or the risk of human rights to the business) and lacks a consideration of the positive ways that companies can contribute towards the realisation of human rights (Nolan and Taylor, 2009; Wettstein, 2012a). As already discussed in this section, the study did find evidence of a passive, 'do no harm', approach towards human rights, but companies had also carried out proactive measures and/or activities that supported the promotion of human rights (such as tackling structural human rights issues). Ruggie's framework, therefore, maintains and perpetuates the notion that companies should be responsible only for the direct harm they cause and has missed an opportunity to encourage and promote the ways in which companies can be a positive force for human rights protection beyond that of 'do no harm'.

The final important point to make about Ruggie's framework is its placement and integration within the international human rights system. Believing this to be the best mechanism for regulating companies, Ruggie asserts the importance and centrality of states and state power for the protection of human rights. As critiques point out, however, relying on state enforcement is wholly inadequate (Seppala, 2009), given that many states are unwilling to regulate companies (for fear of disinvestment) and/or are unable to control companies in the face of considerable economic power and pressure (particularly of multi-national companies). There was some evidence in this study to support this, in that respondents highlighted their frustration at the lack of government action on certain issues (such as the use of forced labour in the UK) which triggered them to address human rights concerns themselves (usually in collaboration with others in the industry). It must be remembered, however, that the study companies are not representative of most companies, and it remains to be seen whether the second pillar of Ruggie's framework (which asks business to regulate their own behaviour) is sufficient on its own to protect human rights when companies find themselves in countries with weak, or non-existent, regulation and enforcement mechanisms, and/or states that turn a blind eye to human rights abuses.

8.3.2. Organisational studies, sensemaking and CSR

Given the lack of qualitative and in-depth empirical data on human rights practices within companies, the study drew heavily on research in related fields, notably CSR, and particularly CSR investigations applying a sensemaking perspective. This study is viewed as also contributing to this CSR sensemaking literature in a number of ways. Firstly, at a more generic level, the study is part of the movement towards more process orientated research (as opposed to content based) which focuses on the development of responsibility within companies and asks 'why' and 'how' questions rather than 'what'. Secondly, and relating to the first point, many of the insights provided by the internal and process based investigations of CSR were also confirmed in this study in relation to both human rights and CR[164], namely that;

- CR and human rights are interpreted in very different ways by participants.

- Making sense of CR and human rights is unique and specific for each company, characterised by a cyclical and incremental process of trial and error. Each company customises the process to reflect their particular organisational and local circumstances (and thus why variations exist in meaning and approach).

- The meaning of CR and human rights emerges through social interaction and communication (verbal and text) as a means to share, discuss and debate ideas and experiences.

- Language is pivotal to how the meaning of CR and human rights is conveyed, understood and constructed. The language used to communicate the CR and human rights 'vision' to the wider organisation is adapted and customised to align with the terminology familiar to the target group. Utilised effectively, language can stimulate, encourage and influence the sensemaking of others and the meaning they attach to CR and human rights, which, in turn, affects subsequent thinking and acting. As mentioned above (8.3.1) the label of human rights was especially problematic compared with terms such as CR, CSR and Sustainability, and the richness and variety of language used informally emerged more prominently than in the CSR sensemaking literature[165] as well as its strategic importance to the (politicised) interpretation process.

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[164] To reiterate again, this study also captured the CR 'journey' of the study companies as well as human rights, and for this reason the findings are relevant and contribute towards the CR literature 'fields'.
[165] Although perhaps owing to space constraints of journal articles (the dominant medium through which CSR and sensemaking research is published).

Additionally, the study confirmed a (if not *the*) key theme in CSR sensemaking research regarding the influential role played by those assigned responsibility for CR and human rights.[166] Whilst the study found that respondents were indeed key 'change agents', and heavily involved in both noticing and making sense of CR and human rights for their organisations, unlike the CSR sensemaking research, this study makes no claims regarding the extent of their influence (as it did not set out to measure or gauge the weight of different factors). What did emerge, and is underplayed in the CSR sensemaking literature, is the complex, difficult and demanding role of those (managers) responsible for CR and human rights. The wide range of skills and knowledge needed for this post (a recent development for companies relative to more established functions) emerged through many of the verbatim quotes, particularly in relation to how respondents used language. Skills either articulated or implied included being adept communicators, networkers, marketers, writers, translators, cheerleaders, persuaders, 'sensegivers', collaborators, negotiators, supervisors and administrators; whilst key knowledge included internal awareness (of company strategy, objectives, structure, procedures, culture, CEO, employees, language) and external awareness (of the 'big picture', horizon scanning, trend analysis, identifying new 'issues' and regulation, engaging with stakeholders, and participating in trade, NGO and Government initiatives, partnerships and consultations).[167] Note that the issue selling and impression management literature highlights many of these skills and capabilities as being typical of middle managers, with skills especially important to the 'bridging' role they play between different levels of the organisation (Dutton and Ashford, 1993; Dutton et al., 1997; Dutton et al., 2001). This study also found that this CR function performed an important bridging role internally, but it also entailed an additional key 'bridge', as one between the organisation and the demands and expectations of the external environment (as was aptly demonstrated by the quote used to conclude Chapter 5, Stage 1 of the SAO framework).

Whilst this present study has supported and advanced some of this knowledge in the CSR sensemaking literature, including additional aspects discussed later in the chapter

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[166] As highlighted and critiqued in the literature review chapter, the CSR sensemaking research deems managers as having a significant, if not prevailing, influence over the CSR process and the approach then adopted (section 3.5.3)

[167] Of course, there may be a certain amount of self-promotion (or indeed impression management) at work here, but this is counterbalanced by some very candid accounts of respondent's daily struggles and challenges not to mention self-doubts as to what they were doing was correct or adequate.

(such as exploring sensemaking *and* organising) this CSR literature includes areas not addressed by this study. Most notably, some research (two studies in total) has focussed more on the sensemaking process itself and identified specific sensemaking strategies used by companies to understand CSR. As noted in the methodology chapter, the study did not set out to explore underlying sensemaking processes, such as how companies identify and connect present cues within past frames of reference, but inadvertently some relevant data did emerge that makes some contribution to this area in two main respects. Firstly, the 'systematic' and 'procedural' sensemaking strategies identified by Heijden et al. (2010) and Cramer et al. (2006) respectively, emerged strongly in this study. Both sensemaking strategies are identical (but are termed differently) and represent companies that focus their efforts on realising commitments in a systematic and procedural manner predominantly via company policies, systems and processes. Cramer et al. (2006) also identified a further four strategies and some support was found in this study for the policy and values-driven sensemaking strategies but not pragmatic or external.[168] The second main (but preliminary) contribution this study makes to this area is the identification of two sensemaking strategies not found in the CSR sensemaking research. The first strategy represents companies' use of a CR strategy or approach to make sense of and implement human rights commitments. The second strategy used by companies was to separate legal and non-legal components as a way of interpreting and structuring human rights. Again it should be stressed that these represent some initial reflections, and in relation to human rights only, thus should be treated with caution.

In summary, the CSR sensemaking research, along with this present study, revealed the intricate, complex and politicised process in which CSR and human rights was constructed, transformed and managed within companies. It thus contributes to the wider organisational sensemaking research which offers a different perspective on the organisation and an alternative approach to the functionalist orientation of much organisational research conducted to date (Gioia and Pitre, 1990, Nijhof and Jeurissen, 2006; Heijden et al., 2010).

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[168] Note that these were described in the literature review chapter (section 3.5.2).

8.3.3. Stages of CR development

The final body of literature that informed this study played a more supporting role in the way it provided an alternative process based perspective (from that of CSR sensemaking research) in the form of CSR development models. The study did not set out to 'test' these models (despite calls from most of these authors for their empirical application) but inevitably this data makes a contribution to this normative field, although mainly to highlight and confirm its limitations.

The main contribution and implication of this study is to lend empirical support to the critique of CSR development models, viewed as depicting the process as simplistic, rational and apolitical (Bondy, 2008). What these models fail to capture, and has already been discussed in the previous two sections, is the complexity of the process and the general 'messiness' that characterises the evolution of human rights (and CR) within organisations. Fundamentally these models lack contextual rigour, an appreciation of the different factors that make up and drive the process such as triggers and drivers, types of activities, learning and reflection cycles, negotiation of multiple (and possible conflicting) meanings, power struggles, strategic use of language, competing stakeholder demands, and so forth. Whether these models are capable of incorporating such aspects is open to debate, but it would better reflect the reality of development processes in organisations. Alternatively, perhaps this study suggests the need for a completely new type of model, one that focuses on ways to enable sensemaking and organising processes rather than outline the specific features or structures that companies are expected to demonstrate at each stage. Put differently, if we accept the premise that the creation of meaning plays an important role in shaping change processes in organisations (Cramer et al., 2006), then identifying those mechanisms that facilitate sensemaking and are especially conducive to the creation of meaning would perhaps be a more fruitful and useful line of enquiry.[169] This would certainly harmonise with Weick and Quinn's idea that long-term change in organisations is more likely when change agents "*show people how to be*" rather than tell people what to do or how to change, because "*people change to a new position because they are attracted to it, drawn to it, inspired by it.*" (1999: 380).

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[169] Note also that this idea (of enabling and encouraging sensemaking) links to the idea of organisations as 'strong sensemaking systems' which is considered more fully in the final section.

Despite some authors recognising the inherent flaws in development models (such as Ditlev-Simonsen and Gottschalk, 2011: 282) and suggest ways to address them, ultimately their usefulness lies in their depiction of an 'ideal type' scenario (Coffey and Atkinson, 1996). In other words, they provide an overview of the key components that a company is expected to have in place at particular times when developing CSR. In this sense they are particularly appealing to the business sector and practitioners responsible for this process (Mirvis and Googins, 2006: 105), and indeed some models are developed, it is sensed, with a business audience in mind (for example Zadek, 2004; Maon et al., 2009; and, Galbreath, 2009).

8.4. Methodological contribution to the sensemaking and organising perspective

Early on in this study, when the sensemaking and organising perspective was being 'made sense of' for its suitability as an approach, the question posed by the study's primary supervisor was, "*how will it help you explore and explain the development of human rights within companies, and what will your data say about the sensemaking perspective?*". The two elements in this question offer a useful way to structure this section, and the following considers what the sensemaking and organising framework brought to the study analytically (how it helped to explore the data), and what the study then brought to the sensemaking and organising concept (how it contributed to, developed and advanced this notion).

As detailed in the methodology chapter, Weick's sensemaking and organising framework, with its focus on processes, context, meaning construction and *Verstehen*, was considered an appropriate and effective lens with which to explore the study's main areas of interest, namely how human rights was interpreted, perceived and organised by companies (from the perspective of those in charge of this process). At a practical level, the SAO framework provided a useful method (or methodology even) to organise, structure and make sense of this data. The framework thus served a dual purpose, applied not just to understand how respondents made sense of their own (data) social worlds, but as a way to approach and analyse the data itself: making sense of people's sense making. The three stage process thus helped to arrange and frame the large amount of data ('messy', unstructured and confusing) into an overarching 'story' that

made sense, both to the researcher and the reader. In this respect, the framework's application to the study mirrors one of Weick's key phrases, that "*people* [the researcher] *organize to make sense of equivocal inputs* [applied the SAO framework to understand the data] *and enact this sense back into the world* [then structured and reported back into the data in a thesis] *to make that world more orderly*" (Weick et al, 2005: 410).[170]

To demonstrate how the SAO framework helped to explore, and particularly explain, the data, two examples are briefly described and represent areas that were found to be especially complex and difficult to understand. Firstly, the organising element of the framework provided (much needed) clarity on the role of CR in the human rights 'journey' of the study companies. Thus, not only did the framework show that CR represented the past knowledge and experiences that individuals and organisations used to make sense of, and structure, human rights, but it also highlighted the importance of CR for human rights, in that the presence of a CR approach triggered human rights to be first noticed and recognised by many companies. The second example concerns the use of language within companies which, again, proved to be very complex (and confusing) in terms of its diversity and range, role and purpose and effect on meaning and action. The SAO framework thus helped to firstly explain the diversity in corporate vocabulary as one that mirrors the particulars of the organisation, department and team (and the plausibility sensemaking property found to be particularly salient here). Secondly, words and labels serve an important organising role, in that they link cues together to describe and explain a situation. This was most visibly seen with companies using CR as a label to structure and combine existing areas as a way of demonstrating and communicating their commitments to others. Thirdly, and finally, the SAO framework highlighted the important effect that language and labels can have on the meanings developed by others and the action they consider possible and plausible. This explained why the human rights label was viewed in a negative light, as one that induced certain meanings (as confusing or not relevant) that then acts as a barrier to the

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[170] Not only has the framework helped to organise this study's data, but the organising component of the framework has, it is strongly suspected, helped Weick to structure his sensemaking properties. Prior to the 2005 article in which he and his colleagues combined the sensemaking and organising concepts within one framework, the sensemaking properties were presented separately and in a non-linear fashion (in his 1995 book most notably). Thus by (retrospectively) 'fitting in' the sensemaking concept within the organising process it has given the sensemaking properties more clarity, structure and order which was lacking previously.

type of behaviours considered necessary to realise and fulfil non-financial commitments in practice. As the three examples above show, the explanatory power of the SAO framework is such that it shares many of the traits a theory, or a theoretical framework, is said to have such as describing and explaining patterns or events, identifying the nature of causal relationships and underlying processes, and simplifying the complexity of the real world (Whetten, 1989; Gioia and Pitre, 1990; Sutton and Staw, 1995). This is also a notable weakness of existing sensemaking research, in that it is only by utilising the combined sensemaking *and* organising elements that can help explain 'what's going on' in the data and particularly how past experiences shapes the sense made of the present ('problem') as well as the role that identity and plausibility play in that retention process (in influencing what is 'seen' and the meanings generated): both aspects currently lacking in sensemaking research.

Whilst the discussion so far implies that the SAO framework was used in a top-down fashion to explore and explain how a responsibility to human rights developed, the study also contributes and 'adds value' to this framework in three important ways. Firstly, it was applied to a field of study for the first time (that being human rights and business), and whilst the sensemaking elements of the framework have been explored in related CSR research, this has not applied the combined sensemaking *and* organising components. Furthermore, noting the tendency of CSR sensemaking research to focus on the 'easier', more visible aspects of the sensemaking perspective, that being social interaction, language and cyclical processes, this study attempted to apply the sensemaking concept more holistically, incorporating some of the sensemaking characteristics that so far have been overlooked (such as enactment, retrospection, plausibility and cues).

The second important contribution this study makes to the SAO framework is the amendments made to both the sensemaking and organising components (Diagram 14 illustrates the additions made to the framework). As detailed in the methodology chapter, two of the sensemaking properties (enactment and social) that were originally excluded by Weick, were then re-introduced within the framework. It was argued that given the importance of both properties to the framework, they needed to be made

visible (to actually 'see' them) in the framework.[171] Some minor amendments were also made to the organising component of the process such as re-naming Stage 2 from 'Selection' to 'Interpretation and Selection'. In making these adjustments and additions, the framework has been improved since it now better reflects the key elements of Weick's sensemaking and organising concepts. A further way the framework was amended, but not visually represented in the diagram, was the incorporation of Weick's *"occasions for sensemaking"* (1995: 83) idea within Stage 1 of the SAO process, something not attempted before.[172] Whilst Weick presented this as a more general, stand-alone idea, the study found it an especially useful way to structure Stage 1 (the enactment of human rights) in terms of the activities companies carried out after noticing human rights to understand its meaning and relevance. By amalgamating two of Weick's ideas, this study has developed the SAO framework in a practical sense, in that it will benefit future research and researchers by recommending and demonstrating a way to think about, analyse and organise the enactment process (a stage that is notably 'messy', unstructured and complex).

Diagram 14. Analytical Framework: Additions (in red)
made to Weick's Sensemaking and Organising Model

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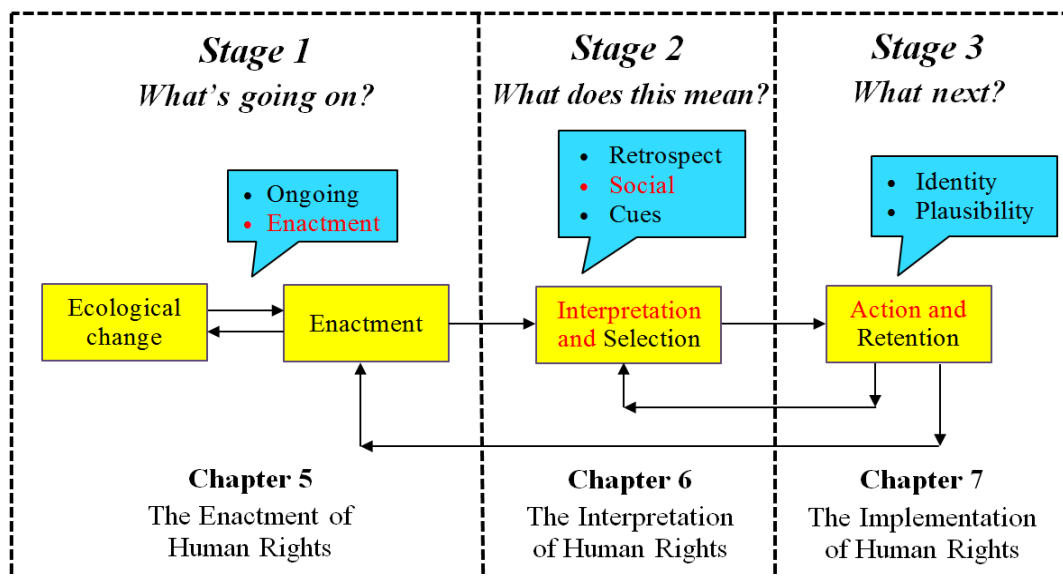
[171] Note that this amendment is supported, albeit indirectly, by this study which suggested that by making something visible (such as a CR department or human rights policy) signals to others its importance symbolically. Thus the enactment and social properties were made visible in the framework to signal their significance to the process.

[172] To recap, the 'occasions for sensemaking' notion proposes that a sensation of flux, disorder and discontinuity is experienced, or occasioned, as either uncertainty (inducing a need for more information) or ambiguity (a need to clarify this information).

Having made several amendments and improvements to the SAO framework (and enhanced it visually), the knowledge gained from its application represents the third and final contribution this study makes. This contribution relates to the organising *and* sensemaking components of the framework, and although linked, they will be discussed separately.

In terms of the organising (three-stage) component, the study not only found it a useful way to structure and present the data, but it served an important function analytically by drawing attention to the institutional dimensions within the sensemaking process. Put differently, it helped to make visible the broader context – the environmental and organisational spheres – that shape, and are shaped by, sensemaking at the individual, intersubjective level. Stage 1 of the organising process demonstrated this relationship (between macro and micro levels) particularly well, and a myriad of internal factors (such as senior managers, human rights champions, existing CR activity and corporate strategy), and external inputs (such as pressure groups, societal expectations, shareholders and competitors) were found to have shaped how human rights were initially noticed and made sense of by companies. By applying both the organising *and* sensemaking components, this study illustrates empirically that the SAO framework can be used to conduct multi-level analysis, something the sensemaking concept lacked (as acknowledged by Weick, leading to the integrated SAO framework in 2005).[173] This study thus lends support to Weick's attempt to make sensemaking "*more macro, more closely tied to organizing*" (Weick et al., 2005: 409) by exploring and showing the interaction of sensemaking (micro) and organising (macro) elements and the different enactments and interpretations of human rights that emerged. Having said that, this study did lean more towards the sensemaking and micro elements of the SAO framework and only through the narratives of participants did the wider context surface. It is difficult to judge whether this was due to the study's design and focus (middle managers within companies) or the SAO framework itself.[174] Nevertheless this study

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[173] To recap, the main criticisms levelled at the sensemaking concept (that Weick aimed to addressed) were that it overly focuses on micro-level processes, it exaggerates the agency of individual actors and lacks appreciation of institutional factors.

[174] It is difficult to give a definite reason given so few have applied the SAO framework. But it is most likely a result of how the study used the framework rather than the framework itself. Note that Weber and Glynn (2006) also make this point but in relation to sensemaking research (that it tends to emphasis local and subjective processes). But this need not be a weakness of the SAO framework, since it can be used to good effect in fields, such as CSR (Aguinis and Glavas, 2012), that lack knowledge and empirical data on how institutional factors emerge and interact with and within micro and intersubjective processes.

makes an important contribution by illustrating that it is possible, through this framework, to explore where and how the internal sphere (the individual and organisational levels) and the external sphere (the broader social, political and economic context) meet and interact.[175]

The second contribution this study makes by its application of the SAO framework, relates to the sensemaking component of the SAO framework. As stated earlier, the sensemaking concept was applied more holistically by exploring all seven sensemaking properties. The study found that all properties were represented but variations existed in terms of their visibility, prominence and location. In terms of visibility, the study confirms that the main properties CSR research has tended to focus on are indeed more visible (easier to 'see') in sensemaking: that of ***social*** interaction, ***ongoing*** and cyclical process as well as language (as pivotal to all stages). In terms of prominence and location, many of the properties were found to be important in stages other than that outlined in the framework. Diagram 15 illustrates where the sensemaking properties were most prominent and visible in this study (note the high concentration of properties in Stage 1). Starting with Stage 1, the ***enactment*** property surfaced strongly here but this is to be expected given the focus of this stage (the enactment of human rights). The ***ongoing*** and ***social*** sensemaking properties were also highly prominent in this stage as seen in the way respondents moved back and forth between different 'inputs' to debate, share and construct the meaning of human rights. Note that the social property was also partially found in Stage 2 (the interpretation of human rights) in relation to the (social) efforts of respondents to package, 'sell' and communicate the CR and/or human rights 'vision' to others in the company. The ***cues*** property was also found to be most visible in this first stage, representing the various indicators and factors that respondents identified, used and connected together to explain '*what's going on*'. Lastly, the ***identity*** sensemaking property emerged here, particularly in terms of triggering companies to

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[175] Whilst this study highlighted where institutional elements emerged within the sensemaking process, it was unable to document exactly how these micro-level processes then transformed and shaped the organising (the institutional) component of each stage (due to human rights representing a relatively new concept for companies and the knowledge retained from this process had yet to fully emerge). Much more research is needed on this in general, as discussed later (section 8.6), particularly documenting in detail how the "*(o)rganization is realized in moments of conversation and joint action*" (Weick, 2003: 190).

recognise human rights (such as when an external allegation conflicted with the corporate image and/or when reviewing and improving the CR strategy).[176]

In terms of Stage 2 of the SAO framework (the interpretation of human rights), the *plausibility* sensemaking property was most visible in this stage, seen in the interpretations of human rights and the language used to convey this within the company (as that which are familiar, plausible and resonate with the target audience). Note also that the plausibility property was partially found in Stage 3 in the way that existing structures (as traces of previous enactments) were used to implement human rights as well as CR to signal to employees that the issue (and action required) was legitimate, important and plausible. Finally, the *retrospection* property was most visible in Stage 3 in terms of companies retrospectively 'fitting in' human rights commitments within existing implementation measures and systems.

Diagram 15. Empirical Location of Sensemaking Properties in the Study
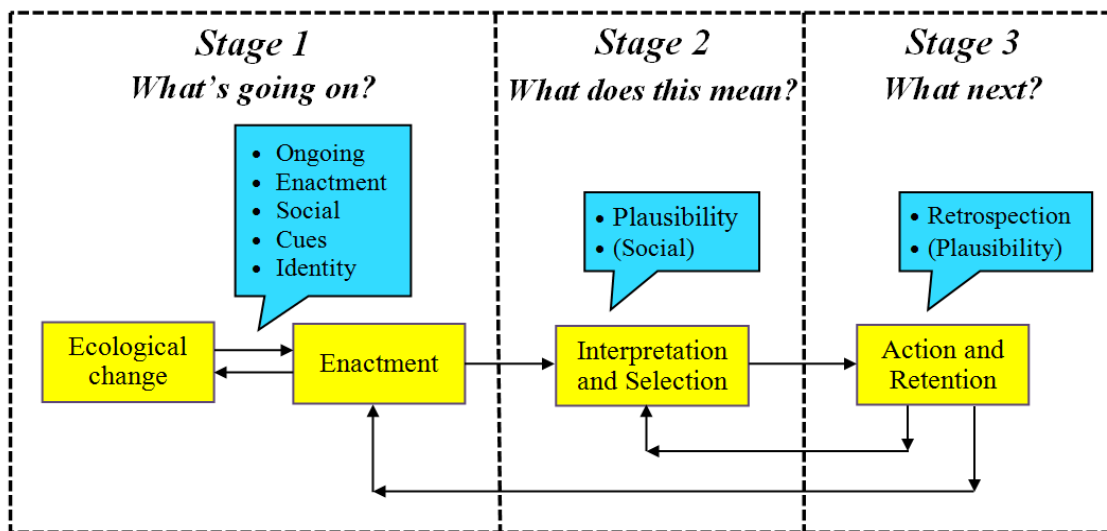
To recap, the seven sensemaking properties all played an important role in how the ambiguity and flux caused by human rights was understood, reduced and ordered. Certain properties, however, played a more prominent role in the process and where properties were found to be most visible (empirically) did not always reflect the (normative) framework. It is difficult to reflect on whether these findings are typical of

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[176] Note that even though *identity* along with *plausibility* are attached to Stage 3 of the framework, they will typically be found in Stage 1 and/or Stage 2 because they represent retained knowledge (either the individuals or the 'organisational memory') which influences how something is enacted (Stage 1) and/or interpreted and labelled (Stage 2).

other studies, given the lack of research applying both sensemaking *and* organising elements. Certainly, it is likely that the high concentration of properties found in Stage 1 (enactment, ongoing, identity, social and cues) reflects the difficulty the researcher experienced in separating the activities involved in Stage 1 and Stage 2 and hence these activities were described together in Stage 1 (note this drawback of the study is discussed further in the last section). As is often the case with relatively new frameworks, more empirical testing is needed to determine whether the results are to be found in other organisations (be it private, public or charity) or for other issues (or events, situations, etc.) and if so this would suggest that the properties require some re-arranging in the framework to better reflect where they surface empirically. A further idea is that particular sensemaking properties are located differently in the organising process when companies are confronted with ethical issues rather than non-ethical issues. In other words, some of the sensemaking properties may not only be more salient for ethical matters but at particular stages (rather than for other strategic issues).

In summary, this study has contributed to the development of the SAO framework in a number of important ways. Firstly, it applied the SAO framework in its entirety and 'tested' it empirically, something rarely achieved to date. Secondly, it partly confirmed previous (CSR) sensemaking research finding evidence of policy and values-driven sensemaking strategies but not pragmatic or external sensemaking (as detailed earlier in section 8.3.2). Thirdly, the alterations made to both the sensemaking and organising components now more accurately reflect their key dimensions. Fourthly, the study demonstrated the framework's ability to identify and capture multiple levels of analysis, most notably the institutional dimensions within the sensemaking process. Finally, it documented where and how the sensemaking properties featured most prominently in the organising process, noting that some surfaced in different stages than to those suggested in the original model by Weick et al. (2005).

8.5. Practical contribution: implications for business and management practice

This section outlines the practical implications of this study. It first presents three recommendations for human rights activists and four recommendations for business practitioners.

For human rights activists (and other stakeholders) the first recommendation this study makes is that to encourage companies to recognise human rights they are more likely to achieve this by focussing on those with an existing CR approach or CR team/person responsible (given this triggered many companies into noticing human rights). Secondly, external pressure and public scrutiny is, still, an important trigger and driver for companies. The *identity* sensemaking property was found to be particularly important in this respect, in that when external criticisms conflicted with the corporate image this would trigger a response in some companies, or similarly human rights was used to deflect potential criticism by way of improving the CR strategy. Finding that identity and corporate image is important to companies is nothing new (and is well documented in the literature) but this study does confirm this to be a key motivating factor still. The final implication for stakeholders is the need to address the potency and barrier of the 'Amnesty International' frame which this study revealed as exerting considerable influence over the meaning attached to human rights and as the interpretation most likely to result in minimal or no action. That human rights is something which happens overseas (not in the UK) at the hands of repressive state regimes is a notion perpetuated by the media, stakeholders (particularly some NGOs) as well as some academics, and presents a barrier towards companies recognising human rights as important and relevant. Interestingly, this image of human rights was also fuelled by some respondents of this study, who despite their wide-ranging knowledge of human rights were content to package human rights as a supply chain 'issue' so that it aligned with their perceptions of how others (namely senior management) viewed human rights.

The study's first practical implication for business practitioners links to the previous point. Whilst most companies recognised human rights to be relevant to the business arena, the Amnesty International and/or state-centric view of human rights was still widespread amongst respondents. Indeed, this interpretation led a handful of companies to conclude that human rights were not relevant to their operations or that certain human rights 'risks' were not present in the UK. It is therefore important for business practitioners to recognise that companies can potentially affect all human rights in any country. A good example of this is slavery. Whilst many would not associate the UK with slavery and forced labour, two companies highlighted this to be an issue in their

UK operations and had triggered them to put pressure on the UK Government to recognise and address this.

Following on from this, the second recommendation for business practitioners is that in order to ensure all human rights are considered relevant, a process of ongoing monitoring and due diligence is required. Most companies in this study recognised this and had in place, or were developing, methods and processes to ensure they were aware of changes in the external environment. In contrast to this, a handful of companies considered human rights to be a 'project'. For them, once human rights had been interpreted and (if necessary) implemented, human rights had effectively been 'dealt with' and all of their ambiguity removed (thus concluding the human rights project). This 'taken care of' mindset is a concern, since companies may fail to notice important changes in their (internal or external) environment and inadvertently infringe upon human rights. As the study showed, the salience of human rights issues are constantly in flux, and some issues become more urgent depending on the industry, location, legal / business system, business strategy, and so forth (again, slavery in the UK is a good example of this as is customer privacy which surfaced as a major human rights issue for telecommunications companies). It is perhaps understandable why companies treated human rights as a project, since business and management systems are informed by scientific approaches (such as rationality) which dictate that issues should be 'dealt with'. However, and as stated above, this mindset can expose companies to many risks, not least human rights breaches. Business practitioners would do well to follow the example of companies in this study who considered human rights to be an ongoing endeavour (thus not a project) and recognised that not all ambiguity and uncertainty can be 'dealt with'. The sensemaking concept also highlights the fact that ambiguity is a constant feature of organisational life, as Weick points out, "*ambiguity is never fully removed, it is part of the normal context of organisational action*" (Weick, 1985/2001: 48). The implication for business practitioners is that a certain amount of surplus ambiguity is to be expected and it represents a healthy and indeed preferable state to be in since it indicates a recognition of the flux and fluidity of human rights issues.

The study's fourth and final business implication relates to implementation and mainstreaming. Finding this to be an area causing respondents the most concern, the following outlines a number of 'mini', interrelated recommendations based on the

study's findings. Note that this applies to human rights and CR commitments as both areas were highlighted by companies as challenging (to implement). The first recommendation relates directly to human rights. Business practitioners will find it useful, as the study companies did, to translate, adapt and customise the concept of human rights into language and systems that are meaningful, plausible and already in everyday use. As highlighted earlier (section 8.3.1), customising the human rights concept and language for the corporate setting should, in theory, result in commitments being better understood and realised in practice by employees. It is important, however, that the human rights focus does not become 'lost' within existing structures or language. The implication, and danger, being that this can result in losing sight of what human rights aim to protect and achieve. It is important, therefore, that business practitioners (those with overall responsible for human rights) have a good understanding of human rights generally and (followed by) how they relate to the business. With this understanding in place, including knowledge of how and which implementation measures relate back to human rights commitments, it is not necessary for business practitioners to use the concept and language with all (or indeed many) employees. It is important, however, to discuss human rights in relation to senior management such as the Executive Board and this forms part of the second recommendation.

The second recommendation, in terms of implementation, concerns the importance of the engagement, support and/or leadership from senior managers particularly the Executive Board. This theme emerged strongly in the study and in two ways (in relation to implementation). Firstly, participants considered it crucial that senior leaders, especially the CEO, publically endorsed the message and strategy being proposed (be it human rights or CR) so that employees would take implementation measures seriously. Secondly, the attendance of a Board member (again, preferably the CEO) at CR committee[177] meetings was viewed as important to show (symbolically) the rest of the organisation the significance attached to this area.

The third recommendation in relation to implementation and mainstreaming is the importance of sensemaking mechanisms. The pivotal role that sensemaking played in

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[177] The CR term is used here as no study companies had in place, or termed it, a human rights committee.

general for respondents emerged as a strong (second-order) theme. Participants had access to many different avenues, especially internal, to clarify the meaning of human rights, and a number of respondents were extensive networkers making use of various external initiatives, groups and fora. Sensemaking then, particularly through social interaction, was pivotal to their role and recognised as such by respondents particularly in terms of monitoring, taking stock and understanding changes in their environments. Given this, business practitioners and companies could learn a great deal from how respondents approached the task of understanding and implementing human rights (as well as CR). That many of the study companies had progressed to Stage 3 (the implementation of human rights) points to a general openness towards sensemaking, as well as moral deliberation and reflection, which research has highlighted as crucial for driving change in organisations (Gioia and Chittipeddi 1991; Ballard, 2005; Cramer et al., 2006). In this respect, the study companies showed signs of a "*strong sensemaking system*" (Nijhof and Jeurissen, 2006: 318), in that they encouraged respondents to reflect on their practice and the ethical issues at hand, and/or have in place internal measures and structures to facilitate sensemaking (discussed further in section 8.6).

Despite respondents having access to different sensemaking avenues, the study noted that such channels largely served those at managerial level and the preferred strategy for implementing the human rights or CR 'vision' was through 'stick' type measures aimed at controlling behaviour. This strategy, as one that restricts sensemaking, was highlighted as a possible reason why many companies were experiencing the implementation stage to be challenging and difficult. The implication of this for business practitioners, is that measures aimed at prescribing ('telling') how employees address ethical matters might prove ineffective or inappropriate, and methods based on facilitating the sensemaking of employees in constructing a shared understanding and identity around matters of ethical conduct would be a more useful and constructive approach (Stansbury and Barry, 2007; Maclagan, 2007; Ditlev-Simonsen and Gottschalk, 2011). Whilst the study companies had made some tentative moves in this direction, for example designing training programmes that encouraged debate and discussion around ethical dilemmas, they were still somewhat conservative in their implementation approach. For business practitioners, it is recommended that providing employees, not just managers, with opportunities to engage in sensemaking on ethical

matters is an important step to take, and a step more likely to encourage and result in lasting and meaningful change in people (Weick and Quinn, 1999).

8.6. Limitations and further research

As with any academic investigation, a number of limitations are present in this study. Those that follow (six in total) are considered the most significant and are also discussed alongside recommendations for further research as a way of addressing these drawbacks.

The first significant drawback relates to the overarching 'lens' or focus of this study: human rights. As with any theoretical framework, there is a danger that it comes to dominate what the researcher 'sees' and what data is considered meaningful, resulting in potentially important themes being dismissed or overlooked. Given this study's focus on human rights (within business practice) and the researcher's background in human rights, there is a possibility that data has been collected and interpreted from this standpoint only. This is particularly problematic in light of the study's focus on sensemaking, in that rather than applying this (analytical) framework to explore how companies (through respondents) made sense of their social commitments and responsibilities, the researcher becomes the 'sense-giver', collecting and presenting the data in such a way that directs the reader towards a preferred interpretation. The study addressed this drawback in two key ways. Firstly, as highlighted in the methodology chapter, by applying an interpretivist and qualitative research design, this study recognises that researchers do not simply collect and report data but are active participants, interpreters and co-creators of data, reconstructing the social worlds of people and organisations as accurately as possible. Thus, whilst it is certainly the case that this study has focussed more on human rights in business practice, it did so in a reflexive manner and grounded knowledge claims by outlining and making visible the steps taken (as outlined in detail in the methodology chapter). Secondly, this reflexive approach was built into the study from the outset, in that the research was designed to be purposely flexible so as to allow new themes and directions to emerge (important in an area where little empirical work exists). The CR concept, for example, emerged as a major theme which this study did not anticipate and its importance for human rights (in business practice) not fully appreciated in extant literature. In light of this new

knowledge (of CR's pivotal role in how human rights was noticed, interpreted and managed), it would be fruitful for future research to explore this relationship in further depth using a broader framework such as institutional theory. By applying a more 'neutral' and broader approach, rather than a specific human rights or CR lens, it would allow an exploration of the 'frames' (such as CR, human rights, corporate citizenship, etc.) that companies and/or respondents use (and when, how and why). Whilst the doctoral study did touch on this in places,[178] it would be worthwhile to focus exclusively on the nature of this relationship, particularly documenting when human rights and CR 'frames' surface, as well as the broader (social, political, economic, geographical) context that enables and constrains this process. Adopting a more macro and institutional perspective would also address the micro, subjective and agency focus that critiques argue the sensemaking concept privileges (discussed further below).

The second limitation of this study purports to the sample of UK companies (22 in total). As highlighted earlier, they are viewed as a rare group of companies in that they have formally recognised human rights and then acted further (by interpreting and implementing human rights commitments). Given that most UK companies have not formally acknowledged human rights, this sample is not considered representative of the general population of UK companies. Furthermore, most are very large and very successful multinational companies with extensive workforces and operations spanning multiple countries, sites and industries. Again, in this sense they are unusual and atypical of UK companies (given that most are defined as SMEs). However, the study companies are considered representative (or reflective) of those more likely to be engaged in human rights as well as CR, given they are large MNCs which have been subject to increased media and public scrutiny in recent years (Pryce, 2002; Ruggie, 2007; Crane et al., 2008; Matten and Moon, 2008; Preuss and Brown, 2012). Thinking about this drawback in the context of further research, it may be worth focussing on those (large) companies that have not formally recognised human rights, or likewise have recognised human rights but deemed it not relevant (thus have not progressed beyond Stage 1 of the SAO framework). This would provide an insight into the barriers and challenges companies face in recognising human rights including whether the Amnesty International 'frame' surfaced within these rationales. This would also allow

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[178] For example, in Stage 1 (the enactment of human rights) a handful of companies officially 'noticed' human rights as a way to improve their CR strategy when planning to expand their operations in markets deemed high-risk (namely countries with poor human rights record).

Stage 1 of the SAO framework to be explored in more depth, more so than was attempted in this study, by examining at what point companies rejected human rights as irrelevant (directly after the 'trigger' or following some initial action to determine its meaning?), and which sensemaking properties were most salient to this process and eventual decision.

The third major drawback of this study is the sample of respondents (30 in total). Many were in a dedicated CR function (20 respondents), again an unusual feature in companies (not just UK companies), and were specialists in CR including for some human rights. Social desirability bias is therefore likely in the sense that given these respondents are strongly committed to CR and human rights, they will attempt to present their companies, and themselves, in the best possible light (Arkani and Theobald; 2005). This is a known drawback of using qualitative interviews in business management (Golden, 1992; Crane 1999; Macdonald and Hellgren, 2004) but is offset to a degree by some very candid and open accounts of respondents' personal experiences and struggles in the company, and the challenges the company had or were facing. Indeed, Welch et al. (2002) also highlight this in relation to elite interviewing, and cite a number of studies in which researchers have expressed surprise at the frankness of elite informants.

The above discussion highlights a number of avenues for further research. Firstly, given the study's focus on one organisational level - middle management - much could be learned by accessing different levels, divisions and business units within companies to explore the perceptions of human rights from those without a vested interest in their pursuit. Given that respondents referred a great deal to the views and attitudes of others, such as Executive Board members and employees, to justify their actions (namely implementing human rights within existing areas and avoiding using the term), it would be interesting to explore if the interpretation of human rights by employees actually equals that of respondents and whether they indeed view human rights as abstract, confusing and irrelevant to their role or company in general. This multi-level analysis would also benefit from a mixed methods approach that incorporates not just interviews but other qualitative methods such as observations, focus groups and field notes (within a case study design for example). The assumption made here is that, like this study, qualitative methods are the most appropriate way to collect data on the awareness and

attitudes of human rights within different corporate levels and sites. The second avenue for further research concerns the role of the CR manager. The study noted the complex and difficult role this function entailed and the wide range of skills and knowledge articulated by respondents. Given this is a relatively new position for companies, and respondents alike, further research would provide a better insight into the role of CR managers including their day-to-day activities, what and how they prioritise, their challenges, struggles and achievements, how they reconcile CR (ethical) ambitions and corporate (economic) goals, and so forth. This could also include a focus on how managers prioritise human rights within their broader array of responsibilities (given the study's findings that human rights was assigned to an existing position as an additional remit). It could also focus on the 'bridging' role of CR managers and how they interact, manage and negotiate internal and external demands and expectations, as well as those between the Executive Board and the wider organisation. Another research avenue concerns the agency of CR managers vis-à-vis institutional and organisational constraints. The small body of research that does exist on the practices of CR managers within companies tends to exaggerate the autonomy they possess in shaping CR processes. Further research could examine whether this individual emphasis is warranted and what role the social, economic and political contexts (and pressures, demands, etc.) play in the way that managers make sense of CR and human rights.[179] A final research suggestion, based on the study's findings, concerns a more in-depth analysis on the use of language by CR managers. It would be interesting to pursue, for example, how managers package and 'sell' CR and/or human rights and whether they employ a different set of vocabularies, repertoires and justifications depending on the target audience (or does the 'business case' rationale and language work for everyone?). Also, whilst the study found that many of the techniques used by respondents have been identified in the generic issue selling literature, further research could explore if these techniques are used in a different way by managers, or indeed whether new techniques are used when ethical and moral matters are involved. For example, are CR managers more likely to invoke a moral rationale or objective (the 'right thing to do') compared with non-CR managers, and if so when, why and with whom?

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[179] This mirrors recent calls for more research charting the influence of broader institutional factors on when and why companies commit to CR and how this influences the form it then takes within companies (Campbell, 2007; Brammer et al., 2012).

The fourth major drawback of this study relates to both the qualitative interview method and respondent narratives (as a way to access the 'social world' of the company). When analysing the interview transcripts it emerged that respondents talked about and presented their company's human rights trajectory in a linear and strategic fashion. This is in contrast to much of the related process based research which suggests the development of CR is non-linear, 'messy' and shaped through trial and error (Cramer et al., 2004; Schouten and Remmé, 2006).[180] Certainly, the study found some of the activities within each stage of the SAO framework to be rather 'messy' and unstructured, notably in Stage 1 when respondents negotiated the myriad of different inputs and cues to develop a sense of the situation, but the narratives still gave the impression of a sequential turn of events. That participants simplify, order and structure their past recollections is a known weakness of the interviewing method (Schwenk, 1985; Golden, 1992) and Weick suggests two possible reasons for this 'hindsight bias'. Firstly, he states that "*in retrospect, the history looks more focused, more efficient, and more insightful at every step than it does at the time it was lived*" (1995: 184). Secondly Weick suggests that managers believe the appearance of formal rationality represents sound management practice (as in "*plan-do-check-review*", Sullivan and Seppala, 2003: 108) and to present the process as was actually experienced may open up an organisation to external criticism (Weick, 1985/2001). The effect these linear accounts had on the study is twofold. Firstly, the three-stage SAO framework mirrors this in that the study presents this process as a sequential development from Stage 1 to Stage 3, whereas Weick asserts that sensemaking can begin at Stage 1 or Stage 3. Secondly, it was difficult to explore the sensemaking property of *retrospection* because it is often swift and a short space of time elapses between action and reflection (Weick, 1995: 29). Thus to actually 'see' retrospection at work when using interviews some time after the event is difficult considering they are already a retrospective account and retelling of the past (so a type of double retrospection, a re-retrospection, is at play in interviews). This key limitation of the study (of respondents' linear accounts via interviews), and its two effects, suggest that further research in this area would benefit from adopting a range of methods which would include interviews but alongside other qualitative

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[180] This is also suggested in the broader sensemaking and organisational change research (such as Thomas et al., 1993; Balogun and Johnson, 2005; and, Weber and Glynn, 2006). In a similar vein, Weick calls organisations 'loosely coupled systems' (Weick, 1976; Orton and Weick; 1990) which are viewed as less rational systems and more "*saturated with subjectivity, abstraction, guesses, making do, invention, and arbitrariness*" (Weick; 1979: 5).

techniques and research designs such as participant observations, ethnography, case studies and participatory research, to make sure that the organising and sensemaking process, including all seven sensemaking properties, can be holistically researched (and preferably in real time).

The fifth major limitation of the study purports to the SAO framework. As already highlighted, it was difficult to separate the sensemaking processes of Stage 1 and Stage 2 given that respondents typically detailed the activities they took both for enacting human rights (the initial loose understanding) and interpreting human rights (the simplified and formal corporate understanding). This could be a result, again, of the interview method, in that respondents simplified and structured their activities when recounting the steps they took. Alternatively, it could simply reflect the way that people make sense of their environment and even Weick (2001: 237) appreciates that the enactment and interpretation stages can happen so swiftly as to appear one process. Having said that, the study did highlight where it could the activities and resources that respondents utilised at different stages (as detailed at the end of section 5.3.3), but still this could benefit from further research to ascertain if indeed they are concurrent or closely related processes or whether, for example, a difference exists depending on the issue. In terms of the SAO framework, a further research avenue worth pursuing is this idea of "*strong sensemaking*" (Nijhof and Jeurissen, 2006: 318). Originally put forward by Weick, it suggests that the design or character of an organisation can facilitate or constrain sensemaking, and those organisational forms that facilitate, particularly the seven sensemaking properties, can help prevent "*unanticipated consequences at an earlier stage*" (Weick, 1999/2001: 423). Nijhof and Jeurissen (2006) have taken this idea a step forward by asking how a 'strong sensemaking' system can create more responsible companies. Taking this a step forward still, this study suggests that companies who enable sensemaking can foster a greater commitment towards responsibility by facilitating learning and, in turn, change processes. Currently, however, this represents a seed of an idea only, recognised as such by scholars, and would benefit from further research to explore what organisational forms enable or constrain sensemaking together with how the sensemaking properties could encourage active sensemaking in organisations. That said, Jeong and Browser argue, in relation to managers, that it is impossible to develop a sensemaking toolkit that encourages and anticipates their meaning making activities given that "*it is improvisational and specific*

to local circumstances" (2008: 225). Whilst this study partly agrees with this view, it is still possible to explore and recommend more generic activities or organisational forms that encourage (or indeed constrain) sensemaking amongst its members and with others.

The final significant weakness this section discusses lies in the unanswered question – does it matter if human rights are integrated within other areas, particularly CR, or that the term is not used within companies? Put another way, if companies are having a positive impact on human rights in many areas but their efforts are not labelled as such, does this matter? The contrasting opinions on this issue were briefly outlined in Stage 3. To recap, there are those who argue the outcome of corporate activity is pivotal, and if the results are the same then using human rights terminology or approach is of no great importance. On the other side of the debate are those who argue a human rights based approach is qualitatively different from CR because it results in a greater depth and breadth of commitment and responsibility. The reason underlying this, and was highlighted in Stage 2 in relation to language, is that using the terminology of human rights invokes and opens up a recognition of duties and social justice which are then difficult to ignore or deny (unlike CR which can be more readily disregarded or dismissed when the economic rationale tied to it is considered weak). Whilst this study recognises these arguments, no firm conclusions can be extracted from the study companies regarding the extent of responsibility owing to the fact that none had based their approach solely on human rights grounds. What the study did find is that "*words matter*" (Weick, 1995: 132) particularly for their perceived effect on meanings generated in others and subsequent action. In this respect, the study lends some support to the latter argument, that using human rights based terminology (and approach) could change the way people and companies view their obligations and the broader part they play towards the realisation of social justice goals in society. Further research is therefore needed to explore empirically the value a human rights grounded approach brings vis-à-vis other approaches (perhaps by comparing companies that explicitly use a human rights lens with those that do not). Alongside this, other benefits and justifications put forward (in the normative literature) could be explored, particularly the argument that human rights provides companies with a set of universal, internationally agreed ethical standards that act to guide corporate conduct towards protecting and promoting the human rights of those they impact.

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Appendix 1

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 of 10 December 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4.   Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix 2

Key Findings of Selected Major Research Conducted or Commissioned by Professor John Ruggie
(UN Special Representative on Business and Human Rights: 2005 - 2011)

Author and Title of Study	Aim of Research and Methods	Sample and/or Response Rate	Key Findings
Ruggie (2006a) *Human Rights Policies and Management Practices of Fortune Global 500 Firms: Results of a Survey*	Explore the human rights policies and management practices of Fortune Global 500 companies	102 companies (online survey)	• Almost all respondents – nine out of ten – report having an explicit set of human rights principles or management practices in place. • North-American firms are slightly less likely than Europeans to have adopted human rights policies or practices. • Extractive industries report having experienced a human rights incident at a higher rate than the others. • Labour rights recognised more widely with workplace rights a primary area of concern. • Most respondents – more than eighty percent – indicate that they work with external stakeholders in developing and implementing their human rights policies and practices • Nearly nine out of ten respondents say that they have internal reporting and compliance systems in place.
Wright and Lehr (2006) *Business Recognition of Human Rights: Global Patterns, Regional And Sectoral Variations*	Investigate the human rights standards referenced by a cross-section of companies, collective initiatives, and socially responsible investment funds. Secondary analysis of Ruggie (2006) survey, human rights policies of companies listed on the Business and Human Rights Resource Centre website, and UN Global Compact companies' "Communication on Progress" submitted 2005 or later. Also analysis of eight collective initiatives and five socially responsible investment funds.	314 companies	• Labour rights enjoy greater business recognition than any other human right but some regions and sectors fail to recognise most fundamental labour rights as contained in the ILO declarations. • European and North American businesses lead in their recognition of labour rights. Latin American firms trail in their recognition of almost all labour rights. • Collective initiatives and SRI indices mirror the overall pattern of labour rights recognition. • Non-labour rights have low levels of recognition. Some rights, such as the right to freedom of thought, conscience and religion, and the right to seek asylum, receive little or no recognition. • Beyond the domain of labour rights, there appears to be only limited common understanding of the range of human rights that apply to companies

Ruggie (2007b) *Human Rights Policies of Chinese Companies: Results from a Survey*	Explore the human rights policies of Chinese companies from Fortune Global 500. Documentary analysis of publically available corporate policies and reports of Chinese only companies from Fortune Global 500 and "Communication on Progress" reports submitted for UN Global Compact.	25 companies	• Chinese companies recognise fewer rights and at a lower rate than companies surveyed in the business recognition report (Wright and Lehr, 2006). • The nine state-owned enterprises (SOEs) in this sample recognise human rights at a higher rate than non-SOEs. • Only two companies stated they report on human rights policies and practices, conduct impact assessments that encompass human rights and engage in community consultation. • Companies do not address supply chain issues in their human rights policies.
Ruggie (2008c) *A Survey of the Scope and Patterns of Alleged Corporate-Related Human Rights Abuse*	Explore the scope and pattern of alleged corporate-related human rights abuses found in a sample of 320 cases posted on the Business and Human Rights Resource Centre website from February 2005 to December 2007.	320 reported corporate abuse cases	• Alleged corporate abuse covered the full range of human rights. • Abuses for workers (labour) and communities (non-labour) occurred at equal rates. • An alleged abuse often generated impact on multiple human rights. • Initial abuses seem to lead to further related allegations of abuse. • Environmental harms were connected to impacts on human rights. • Nearly 60% of cases featured direct forms of company involvement in alleged abuses.
Zimmerman (2010) *Survey of State Corporate Social Responsibility Policies Summary of Key Trends*	Explore CSR policies adopted by national or local governments. Survey sent to all UN Member States. Sample consisted of 16 European, 5 Latin American, 3 African and the Middle Eastern, 2 North American and 3 Asian states.	29 states	• State CSR policies take on a variety of forms. • Governments have a range of CSR type initiatives ongoing concurrently. • CSR type initiatives are not always referenced in State CSR policies, or run by the same department that is responsible for implementing the CSR policy.
Ruggie, (2011b) *Human Rights and Corporate Law: Trends and Observations from a Crossnational Study*	Identify whether and how corporate and securities law encourages or impedes a respect for human rights. Sample consisted of more than 20 leading corporate law firms who were asked to prepare jurisdiction-specific surveys based on a research template.	39 states (legal jurisdictions)	• Jurisdictions having varied policies, laws and processes in place to regulate corporations • Corporate and securities law recognises human rights to a limited extent, intersecting with human rights notably when the impact on human rights may harm the company's short or long term interests. • There is a lack of clarity in corporate and securities law regarding what companies or their directors and officers are required or permitted to do.

Appendix 3

The Private Sector and Human Rights Project: Questionnaire

Welcome and thank you for participating in our research

The Ministry of Justice, the Department of Health and TwentyFifty Limited (a consultancy that specialises in helping businesses to integrate respect for human rights and sustainability into their operations), are working in partnership to consider the current awareness of UK businesses of human rights and how a culture of respect for human rights can best be encouraged.

The scope of this project is restricted to the **UK operations only of respondents.** Our intention is not to look at companies' overseas operations.

The purpose of this project is to find out how companies in the UK approach human rights across the range of their domestic business operations, including their workplace, dealing with their customers, supply chain and production.

The information gathered will be used to provide data for an initial report on human rights in the private sector. Your responses will remain confidential and findings will not be attributed to particular organisations or respondents. However please be aware, information provided in response to this questionnaire, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIRs)). If you consider part of your response to be sensitive or confidential, to assist us in considering whether exemptions under those regimes apply, it would be helpful if you could explain to us what part of your response you consider to be sensitive and/or confidential , and the reason why.

The Ministry of Justice will process your personal data in compliance with the requirements of the Data Protection Act. These details are being requested specifically for this survey and will not be used or retained for any other purpose by the Ministry of Justice or TwentyFifty Limited. Your responses to the survey will be destroyed at the conclusion of the project.

For guidance and information on human rights and the UK Human Rights Act please visit the Ministry of Justice website at: http://www.justice.gov.uk/guidance/humanrights.htm (available here). If you have any questions about this project please do not hesitate to contact survey@twentyfifty.co.uk or call 0203 393 2050.

Section 1: Contact details, company information and confidentiality

- Name of respondent (please specify) ……………………………………..

- Email address (please specify, we will only use to send copy of results of questionnaire) ……………………………………...

- Job title and department (please specify) ……………………………………..

- Name of company (please specify) ……………………………………..

- Please specify the main sector of your company
    - Extractive
    - Financial Services
    - Healthcare, social care, education
    - Food and drink, hospitality
    - Manufacturing, engineering
    - Infrastructure and utilities
    - IT, electronics and telecommunications

- Pharmaceutical and chemical
- Retail and consumer goods
- Consortium organisation
- Construction
- Real Estate, Rental and Lettings
- Transport
- Business services, legal, recruitment
- Agriculture
- Other (please specify) …………………………………………..

- Does your company have operations outside of the UK:
  - Yes
  - No

- Company turnover (please specify)…………………………………..

- Employee numbers (please specify)
  - UK ………………………….
  - Global (including UK) …………………..

Section 2: Overview

1. How influential are the following principles in guiding the conduct of your company in the UK?

	No influence	Little influence	Moderate influence	Important Influence	Major influence	Don't know
Fairness						
Respect						
Equality						
Dignity						
Accountability						
Participation						
Transparency						
Integrity						
Responsiveness						
Trustworthiness						
Other (please specify)						

2. What does the term human rights mean to your organisation? Please restrict your answer to operations in the UK only?..…..

3. How would you describe your company's approach to human rights in its UK operations? Please select all that apply.

- We seek to meet the expectations of our stakeholders (e.g. investors, customers) with respect to human rights
- We do not have a particular focus on human rights beyond meeting all our obligations under employment legislation
- We have put in place rigorous practices and systems to identify and manage risks related to human rights
- In some areas of the business, we have identified opportunities that meet the needs of the business and contribute to human rights
- We look for opportunities throughout our business for ways that contribute to realising human rights
- We seek to be a champion for human rights where we operate
- We do not see human rights as an issue for us

4. Which of the following organisations does your company work with on human rights issues? Please tick all that apply.

- Business in the community
- Race for opportunity
- International Business Leader Forum
- Employers Forum on Disability
- Minority Supplier Development UK
- Opportunity Now
- Ethical Trading Initiative
- UN Global Compact
- None
- Other (please specify)

5. To what extent have the following factors influenced your company's approach to human rights in the UK (either in a positive or negative way)? Please select one answer per row.

	Very negative influence	Negative influence	No influence	Positive Influence	Very Positive	Don't know
Investor expectations						
Charity or NGO campaigns						
Inspectors and Regulators						
Media and opinion formers						
Personal commitment of leaders						
Legislation						
Delivering public services						
Employee driven						
Consumer concern						
Security of employees and facilities						
Attracting new recruits and employee retention						
Realising market opportunities						
Avoiding reoccurrence of human rights problems						
Experience of operating in countries with poor human rights record						
Other (please specify)						

6. How aware are you of the UK Human Rights Act? Please select one from the following.

- Very Aware
- Moderate Awareness
- Some awareness
- Don't Know
- Other comments (please specify)

Section 3: Corporate Responsibility Policies and Human Rights in UK Operations

7. Has your company developed a human rights policy or position statement that applies to its UK operations? Please select one from the following.

   - Yes, a standalone policy on human rights
   - Yes, a public position on human rights
   - Yes, but no formal written policy
   - No but we have integrated human rights into relevant policies
   - No we have not integrated human rights into our policies

8. Which of the following human rights frameworks has your company used as a reference for understanding social impacts or corporate responsibility commitments? Please tick all that apply.

   - UK Human Rights Act
   - Universal Declaration on Human Rights (UDHR)
   - International Bill of Human Rights (UDHR and the International Covenants on Civil and Political and Economic Social and Cultural Rights)
   - International Labour Organisation (ILO) Conventions
   - UN Global Compact
   - John Ruggie (UN Special Representative) framework on business and human rights
   - European Convention on Human Rights
   - European Charter on Fundamental Rights and Freedoms
   - European Social Charter
   - OECD Guidelines for Multinational Enterprises
   - Ethical Trading Initiative
   - SA8000 on Social Accountability
   - None
   - Other (please specify)

9. Please indicate whether your company has developed specific responses to the following human rights issues. For each issue please tick all that apply.

	Not relevant	No specific action	Yes & developing action plan	Yes & action plan in place	Yes & comprehensive management system in place	Yes & externally recognised for work on this issue	Yes, we seek to lead others on this issue
Occupational health and safety							
Privacy							
Trade union participation							
Gender discrimination							
Race or ethnicity discrimination							
Disability discrimination							
Age discrimination							
Sexual orientation discrimination							
Harassment							
Environmental sustainability							
Bribery and corruption							
Education							

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly Agree	Don't know
Cultural and religious expression						
Forced labour						
Child labour						
Other (please specify)						

10. The following list of provisions are covered by the UK Human Rights Act. To what extent do you agree or disagree that your company has a good understanding of the following human rights provisions? Please select one answer per row.

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly Agree	Don't know
Right to life						
Freedom from torture						
Freedom from slavery / forced labour						
The right to liberty and security						
Right to a fair trial						
No punishment without law						
Right to respect for private and family life						
Freedom of thought, conscience & religion						
Freedom of expression						
Freedom of assembly						
Freedom of association						
Right to marry						
Freedom from discrimination						
Protection of property						
Right to education						
Right to free elections						
Other (please specify)						

11. How do you integrate human rights into the company? Please tick all that apply

- CEO statements
- Code of conduct or business principles
- Dedicated corporate responsibility/CSR or ethics committee
- Procurement policies and procedures
- Customer evaluation criteria
- Project risk assessments
- Operational guidance
- Business units performance reviews
- Internal targets and reporting
- Individual performance incentives
- Management competencies
- Employee training
- Ombudsman
- Confidential reporting processes e.g. ethics lines
- Disciplinary procedures
- Third party assessments
- Public performance reporting
- Conditions of Employment

- Employee Grievance procedures
- Other (please specify)

12. Does your company ensure that the following are:

	aware of your human rights policies	have their own human rights policies in place	assessed by your company or by third parties on human rights performance	supported in to develop of good practices in regard to human rights?
Customers				
Suppliers				
Contractors				
Joint venture partners				

13. Does your company publicly report on how it applies human rights across its UK operations? Please select as many as apply.

- Yes, on the company's website
- Yes, in annual report and accounts
- Yes, in corporate responsibility or sustainability report
- Yes, other (please specify)
- No public reporting

Section 4: Guidance and advice

14. To what extent do you agree or disagree that the following are important challenges that your company faces in addressing human rights in the UK? Please select one answer per row.

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly Agree	Don't know
Lack of knowledge about how human rights applies to business						
Not seen as relevant to our business						
Other priorities						
Lack of senior management interest						
Lack of shareholder interest						
Short term performance focus						
Cost concerns						
Too difficult						
Lack of appropriate guidance						
The company faces no challenges in human rights						
Other (please specify)						

15. Please indicate from the following list of external sources where your company has looked for advice to understand how to act on human rights in the UK, and whether the advice you were looking for was available. Please select one answer per row.

	Very good	Good	Neither good or poor	Poor	Very poor	Haven't used
Lawyers						
Consultancies						
Business schools						
Other academic sources e.g. universities						
Non Governmental Organisations						
Business membership organisations (e.g. BITC, etc..)						
International instruments e.g. UN Global Compact						
Ministry of Justice						
CBI						
Equalities and Human Rights Commission						
Scottish Human Rights Commission						
None						
Other (please specify)						

16. Please indicate to what extent you agree or disagree that practical guidance would be useful on the following. Please select one answer per row.

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly Agree	Don't know
Implications of the UK Human Rights Act for my business						
Overlap with other UK legislation e.g. Employment Law.						
Developing policies on human rights						
Understanding your impact on human rights						
Integrating respect for human rights into business practice						
Conducting a formal human rights impact assessment						
Measuring and assessing human rights performance						
Reporting						
Dealing with allegations of human rights abuses in my business						
Other (please specify)						

Thank you. Do you have any specific questions about human rights that you and your company would like to see addressed as part of this project? Alternatively, please feel free to make any other comments below.

Thank you for participating in this survey. If you have any further questions or feedback, please email survey@twentyfifty.co.uk or call 0203 393 2050.

Appendix 4

The Ministry of Justice Private Sector and Human Rights Project
Interview Questions

The what and why of human rights

1. Is the term human rights used within your organisation?
2. If not, what language is used to refer to human rights issues?
3. Have you articulated the reasons for your organisation to respect human rights? If so, what are they?
4. What do you understand 'the responsibility to respect human rights' to involve?

How do you implement?

5. Which department(s) or person(s) have main responsibility for human rights?
6. How is accountability for human rights established?
7. What action does your company take to respect human rights?
   - Has it assessed how it might impact on the rights of the UK Human Rights Act
   - Does it conduct due diligence on human rights issues?
   - Has it considered its human rights impacts beyond the workplace? E.g. on customers, suppliers and the communities where it operates?
   - To what extent is it conscious of and participates in the national human rights policy discussion in the UK
   - Does it look for business opportunities that contribute to realising human rights
8. In developing its core values and principles, has the company considered how it contributes to creating a peaceful, healthy and sustainable society? If so, were human rights considerations a part of this?
9. What are the key challenges and priorities that you face in respecting Human Rights in your business?

Who do you engage with?

10. What is your organisation's experience of engaging with the UK government on human rights?
11. Which civil society organisations do you engage with on human rights?
12. Which collaborative initiatives / membership organisations your company participates in:
    - Address human rights issues
    - Provide advice or guidance on human rights
    - Have the potential to address human rights issues related to your industry
13. What other business collaborations or initiatives related to human rights are you aware of?

What do you need?

14. What questions do you have about human rights and the private sector?
15. What advice or support would be most helpful to you in taking action on human rights?

Appendix 5

The Private Sector and Human Rights Project

The Ministry of Justice and TwentyFifty Limited

Survey Feedback (25th March 2009)

Louise Obara and Dr. Diego Vazquez-Brust
Cardiff University (BRASS Research Centre)

We analysed the survey design on two levels: both technically and conceptually. Firstly the technical aspects of the survey concerned looking at how the questions are framed and making sure they are clear and unambiguous, are not double barrelled etc. Secondly the conceptual aspects concerned the content of the questions and whether they effectively measure the aims and objectives of the research.

Something to bear in mind when reading the following feedback is that (at the conceptual level) the issue of behaviour versus attitudes. We talked at length about whether the main purpose of the survey concerns what companies are currently doing in way of human rights (i.e. company behaviour) or whether the survey is more concerned with the perceptions and motivations for those actions (or non-action). The survey as it stands leans more towards the behaviour side with its focus on structures, company policies and implementation. Therefore in theory this should reduce respondent bias in that similar results can be gained regardless of who fills out the questionnaire in the company. If the survey was attempting to elicit perceptions and attitudes on the companies approach and understanding of human rights this could be highly dependent on who is filling out the survey (two people within the same human rights / CSR team can have vastly different opinions on the same question).

Introduction

The introduction is good, maybe highlight (in bold) the 3rd paragraph ("The purposes of this questionnaire are…") as respondents may skip over or skim read the second paragraph.

As the first question (in section 2) asks for the name of the company should there be more information in the introduction about confidentiality and whether the company will be named in the final report (or a direct quote used from one of the open questions)?

Section 1

If the survey asked "How many countries outside of the UK do you operate in" – this would tell us not only if they work in other countries but how extensive their business activities are. We would need to include another option of "We don't operate outside the UK" or "Operate in the UK only".

Section 2

Should the first question ask for the name of the person followed by their email address? Also should we indicate here why we want their name / email address (i.e. to contact again for a follow-up interview?).

Section 3

Question 1. We would advise not asking this question for a number of reasons. Firstly it is too vague and as it is a perception question it could be interpreted differently by different people within the same department / company. Secondly because it is so vague and broad respondents may not be able to article exactly what it means to them (or simply they just don't know). Thirdly, it is a question about understanding and therefore it is more appropriate for semi-structured interviews which would allow further probing and clarification into how they understand and make sense of human rights. Also the other questions in the survey are essentially trying to establish what human rights means for *the company* anyway. Finally, as a general rule, opening questions in surveys should be simple and easy with more difficult questions asked later. If this question has to be included then it should be much later in the survey.

Question 2. Do you want a filter question here so that those that answer 'yes' would be directed to the rest of the survey and those that answer 'no' would then be asked why the company hasn't considered its impact on human rights (either as an open question or a list of possible reasons for them to select). Note that asking why they haven't considered their impact is dependent on the specific attitude / perception of the person filling out the form but it would still provide useful data.

Question 3. It might be more useful to have this as a scale i.e. asking respondents to rate how important each of the factors are. This would then give us more of an idea about which factors are most important in putting pressure on companies. The question could be "To what extent have the following influenced your company to consider human rights?". (1 = No influence 2 = Some influence 3 = Greatly influenced 4 = Don't know). There is a problem with the word stakeholder as one of the options because staff and customers could also be considered stakeholders. Perhaps the question could outline each stakeholder so as well as staff and customers you would include suppliers and contractors, joint venture partners, the communities surrounding your operations, the countries in which you operate. I also think it would be interesting to have as an option 'top management's leadership on human rights' as research has shown such leadership to be quite an important source of pressure. You would then be able to compare the answers to this question with question 6a in section 4 (and whether the pressure for taking into account human rights has been implemented into actual policy).

Question 5. As with question 3 above it would be really useful to have a scale rather than yes or no. This may reveal trends in terms of which human rights companies have assessed more than others. The question could be "Please indicate to what extent your company has assessed its impact on the following human rights?" (1 = Not relevant 2 = Have not assessed 3 = Partially assessed 4 = Fully assessed and taken action 5 = Don't know). Or termed a different way "Please indicate to what extent the following human rights have been taken into account by your company?" (1= Not relevant 2 = Considered its implications 3 = Implemented specific policy 4 = Don't know). You

could also have another column which would ask companies whether they need further information or further advice on each human right (note that information and advice are separate aspects and companies may feel they need both). This would give us data on which human rights companies are lacking information and/or guidance on.

I think a question that could be included in Section 3 (perhaps as an opening question) is "Which department and/or person has the main responsibility for managing human rights in the company?. The person filling out the questionnaire may not be the main person or department for addressing human rights issues.

Section 4

Question 7. Two questions in one are asked here. The first question is whether the company has a human rights policy in place. Then you may need a filter question here - those who reply 'yes' would then be asked is it available externally (publicly) and for those that reply 'no' they could be asked why they don't have a human rights policy (either an open ended question or a list of possible reasons for them to select).

Question 6b. Two questions in one here – general commitment and objectives could be separate issues for companies.

Question 8. This would be a good opening question to Section 4 so would suggest it is asked before companies are asked about a specific human rights policy.

Section 5

Question 9. As with question 7 (section 4) do you want a filter question here so that respondents who answer 'no' would be asked why they haven't implemented human rights principles in the company. Unless you think that question 16 (section 6) covers this area (i.e. that this covers both those companies who have a HR policy and those that don't). Otherwise you could have another option in the list that states 'Have not integrated human rights principles into the company'.

Question 10. There are a number of questions in one here – contractors, suppliers and business associates are all different entities. For instance companies might have stricter human rights guidelines for business associates than suppliers. It could be presented in a table form and in each square respondents would select an option from a drop-down menu (Yes, No, Don't Know, Not Applicable):

Does your company ensure that the following are:	Business associates	Suppliers	Contractors	Distributors
aware of your human rights policies				
have their own human rights policies in place				
routinely inspected by your company or by third parties on human rights issues				

Question 11. Two questions in one here. A company's public position and lobbying activities might be managed by two different departments and could be reviewed independently of one another. Also not sure if companies would be confused by the term 'human rights framework' as it hasn't been mentioned before in the survey (apart from in the introduction) and they may equate this with something more formal such as an internal policy.

Section 6

Question 16. It would be really useful to have this question as a scale i.e. asking respondents to rate how important each of the challenges are. Then rather than just a list of obstacles we would know which are most pressing for companies. The question could be "Thinking about the challenges that your company is facing in tackling human rights issues, please rate how important each of the following are; (1 = Not important 2 = Important 3 = Very important 4 = Don't know). The option of "Human rights are not relevant to our company" should be taken out as they wouldn't be completing the questionnaire if they think that human rights isn't relevant to them (or at least they wouldn't get this far into the survey).

It would be useful to include a question at this point on what the key issues and priorities are that are facing companies. While this is a perception question and therefore dependent on who is completing the survey it would nevertheless be interesting to gain information on what the current priorities are. There is space in the previous question (question 16) for companies to state which other challenges they are facing (with the option of 'Other (please specify)'), but challenges is slightly different from what their current priorities are.

Question 17. This is a very vague question, particularly the term 'engagement'.

Question 18. Again it would be beneficial to have this as a scale – this would give us data on what sources of advice companies have found most useful. The question could be "Which of the following sources of advice and guidance has your company found useful in helping you understand human rights" (1= Not useful 2 = Useful 3 = Very useful 4 = Don't know 5 = Haven't used).

Question 19. Again another scale would be useful here as well as asking which specific areas they require more advice and guidance. The question could be "To what extent is advice and guidance available in the following areas"(1 = No guidance 2 = Some guidance 3 = Full guidance 4 = Don't know). The list of options could include the two mentioned in the original project proposal: 'engaging with national human rights dialogue' and 'responding to emerging legislation' as well as options covering perhaps implementation, measuring compliance, reporting, HR impact assessments.

One of the aims outlined in the original project proposal was "what type of guidance or advice are they [companies] looking for?" It could be incorporated in the previous question (question 19) or include a separate question afterwards either as an open question or a list of options. If incorporated into question 19 there could be two additional columns which would ask "Are you in need of more information on this issue?" and "Are you in need of more guidance on this issue?" in which they could select from a drop-down menu: 'yes', 'no', 'not applicable', 'not now but possibly in the future', 'don't know'.

Appendix 6: Cardiff University Ethical Approval

CARDIFF BUSINESS SCHOOL ETHICAL APPROVAL FORM: PHD THESIS RESEARCH
(For guidance on how to complete this form, please see http://www.cf.ac.uk/carbs/research/ethics.html)

For Office Use: Ref	Meeting

Does your research involve human participants?   Yes

If you have answered 'No' to this question you do not need to complete the rest of this form, otherwise please proceed to the next question

Does your research have any involvement with the NHS?   No

If you have answered **Yes** to this question, then your project should firstly be submitted to the NHS National Research Ethics Service. Online applications are available on http://www.nres.npsa.nhs.uk/applicants/. It could be that you may have to deal directly with the NHS Ethics Service and bypass the Business School's Research Ethics Committee.

Name of Student: Louise J Obara

Student Number: 0742716

Section: HRM

Email:

Names of Supervisors and Email Addresses:

- Paul Blyton
- Diego Vazquez

Title of Thesis: Business and Human Rights: An examination into the nature and scope of business responsibilities in respect of human rights.

Start and Estimated End Date of Research: November 2010 to July 2011

Please indicate any sources of funding for this research: ESRC funded

Aims and Objectives of the Research:

This study explores how a human rights commitment develops within UK companies by focussing on the experiences of those involved in this process. Areas that are of particular interest to the study include:

- How do companies and staff members understand, perceive and make sense of human rights?
- What terms are used within the organisation (e.g. human rights, business ethics, social responsibility)?
- What are the triggers and drivers for companies to engage in human rights?
- How do UK companies approach human rights and what level of human rights policy and practice exists?
- What is the range of human rights responsibilities that companies consider to be relevant to their business activities?
- What are the key challenges, issues and priorities that companies face when trying to understand the relevance of human rights into their business models?
- Where do companies obtain information and/or advice from in respect of human rights, and what type of guidance or advice do they require, including what is missing from existing initiatives, standards and guidelines?

1. Describe the Methodology to be applied in the research
The methodology will be based on face-to-face semi-structured interviews in order to elicit in-depth, nuanced and contextually rich data on how companies and company professionals make sense of human rights. Secondary data in the form of documentary sources such as company annual reports will also be collected and analysed; however the interviews represent the main avenue with which to fulfil the study's research questions. The interviews will be guided by a number of questions which are listed in Appendix A.

2. Describe the participant sample who will be contacted for this Research Project. You need to consider the number of participants, their age, gender, recruitment methods and exclusion/inclusion criteria
The sample that will be used is based on responses to a UK survey that was conducted in 2009. This survey was carried out as part of a short-term project lead by consultancy firm TwentyFifty who were commissioned by the UK Government (Ministry of Justice Department) to undertake this research. The aim of this project was to ascertain the current awareness and practice of UK businesses on human rights and analyse the needs of companies in respect of human rights, how these needs can best be met and by whom. A multi-strategy methodology was utilised and consisted of an online questionnaire and thirty semi-structured interviews. Louise Obara was involved in this project (which took place from February to September 2009) and assisted in designing the online survey and conducting ten of the interviews alongside TwentyFifty. It was agreed with TwentyFifty that Louise Obara could use the primary data from this project for her PhD. Ethical approval from Cardiff University was not sought for this project since the consultancy firm, TwentyFifty, were the principal investigators.

The sample that will be used for the PhD research, therefore, is based on responses to the questionnaire. In May 2009 participants (UK companies) were invited to complete the questionnaire via announcements in online newsletters of The Business and Human Rights Resource Centre, The Confederation of British Industry, The Federation of Small Businesses and Business in the Community (Race for Opportunity). The survey asked respondents to voluntarily provide details of their name, job title and email address. The questionnaire stipulated that this information was requested in order to keep participants up to date with the project and to send a copy of the final report. Other personal details such as age, gender, ethnicity and income were not included in the survey. Permission was obtained from Luke Wilde, Director of TwentyFifty, to contact participants of the survey for Louise Obara's PhD research. Participants will therefore be invited to take part in an interview via the email address supplied in the survey. Reasons for utilising this survey are twofold. Firstly, it is anticipated that contacting a named individual will lead to a better response rate in terms of the number of companies that will agree to an interview. Secondly, using a multi-strategy methodology, in this case a survey and follow-up interviews, will provide a richer and complimentary data set as well as allowing cross-checks to be made. |

3. Describe the consent and participant information arrangements you will make, as well as the methods of debriefing. If you are conducting interviews, you <u>must</u> attach a copy of the consent form you will be using.
Participants will be contacted initially via an email inviting them for an interview. A PDF document will be attached to this email providing information about the project (see Appendix A). This includes

the purpose of the study, what participants can expect in terms of their involvement, anonymity and confidentiality details and a list of interview questions. Participants who agree to be interviewed will be sent a consent form to complete before the interview takes place (see Appendix B). While the initial email will articulate that participants were contacted using the details they provided in the survey it will be made clear that the interviews are separate from the TwentyFifty study.

Arrangements for debriefing will include offering participants a transcript of the interview and/or the interviewer's formal write-up of the interview (as well as inviting comments on this). Participants will also be offered a summary of the study's findings and a copy of any subsequent publications arising from the thesis.

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4. *Please make a clear and concise statement of the ethical considerations raised by the research and how you intend to deal with them throughout the duration of the project*

Even though the interview data is of a non-personal nature it is recognised that human rights is a sensitive topic for companies given the heightened media attention on company behaviour since the 1990s and several high profile human rights scandals involving companies.

It is anticipated therefore that participants will have concerns regarding how the data will be used and if their organisation will or can be identified in any subsequent publications. Therefore to minimise any harm to participants and the companies involved information on all aspects of the study will be provided in order to gain voluntary and informed consent. This will include transparent and honest information about the purpose of the research, how the data will be used and stored, ethical frameworks adhered to and who is funding the research. Aspects relating to privacy, anonymity and confidentially will be particularly emphasised stating clearly that data will be securely stored and all names (of the company and staff) will be anonymised with the use of pseudonyms. Publications will also protect the confidentiality of research participants and ensure that individual companies or staff members can not be identified, as well as emphasising that standards of academic professionalism in dissemination will be upheld such as reporting findings accurately and as impartially as possible.

While it is impossible to anticipate every eventuality, should unexpected ethical issues arise the supervisory team will be consulted in the first instance as well as referring to the relevant ethical standards, frameworks and guidelines (such as the ESRC's Research Ethics Framework and Cardiff University's Research Degrees Handbook: A Code of Practice for Research Degrees).

NB: Copies of your signed and approved Research Ethics Application Form together with accompanying documentation must be bound into your Dissertation or Thesis.

5. *Please complete the following in relation to your research:*

			Yes	No	n/a
(a)	Will you describe the main details of the research process to participants in advance, so that they are informed about what to expect?		☑	☐	☐
(b)	Will you tell participants that their participation is voluntary?		☑	☐	☐
(c)	Will you obtain written consent for participation?		☑	☐	☐
(d)	Will you tell participants that they may withdraw from the research at any time and for any reason?		☑	☐	☐
(e)	If you are using a questionnaire, will you give participants the option of omitting questions they do not want to answer?		☐	☐	☑
(f)	Will you tell participants that their data will be treated with full confidentiality and that, if published, it will not be identifiable as theirs?		☑	☐	☐
(g)	Will you offer to send participants findings from the research (e.g. copies of publications arising from the research)?		☑	☐	☐

PLEASE NOTE:
If you have ticked **No** to any of 5(a) to 5(g), please give an explanation on a separate sheet (Note: N/A = not applicable). There is an obligation on the lead researcher to bring to the attention of Cardiff Business School Ethics Committee any issues with ethical implications not clearly covered by the above checklist.

Two copies of this form (and attachments) should be submitted to Ms Lainey Clayton, Room F09, Cardiff Business School.

Signed   *L J Obara*

Print Name   LOUISE J OBARA

Date   18/10/10

SUPERVISOR'S DECLARATION

As the supervisor for this research I confirm that I believe that all research ethical issues have been dealt with in accordance with University policy and the research ethics guidelines of the relevant professional organisation.

Signed   *[signature]*   (Primary supervisor)

Print Name   DIEGO VAZQUEZ

Date   18/10/2010

STATEMENT OF ETHICAL APPROVAL

This project has been considered using agreed School procedures and is now approved.

Signed   *[signature]*   (Chair, School Research Ethics Committee)

Print Name   TOM ENTWISTLE

Date   26/10/2010

APPLICATION APPROVED
RESEARCH ETHICS COMMITTEE
CARDIFF BUSINESS SCHOOL
CARDIFF UNIVERSITY
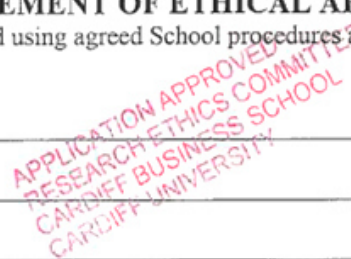
Appendix 7: PhD Study Information Sheet

ESRC Centre for Business Responsibility
Accountability, Sustainability and Society
Cardiff University,
55 Park Place,
Cardiff,
CF10 3AT.
www.brass.cf.ac.uk

Business and Human Rights Study
Louise J Obara (PhD Scholar)

What is the study about?

This PhD study examines how UK companies approach and manage human rights focussing on the experiences of those involved in this process. Areas of particular interest to the study include:

- The triggers and drivers for engaging in human rights;
- The sources of information used to understand human rights;
- The areas of human rights that are considered relevant;
- The level of human rights integration within the company;
- The key concerns, issues and challenges in human rights; and
- The positions and roles of those involved in managing human rights.

What is involved?

The study aims to conduct interviews of around 30 – 60 minutes with individuals who are responsible for overseeing human rights within the company.

What will happen to the information provided and will it be anonymised?

The information will be used to inform the PhD study only. The data will be treated with full confidentially and all responses will be anonymised and stored securely. Publications arising from this study will not identify participating companies nor the individual(s) interviewed. However some quotes may be used but these will be unattributed.

Who can I contact about this project?

For further information about this research please contact Louise Obara in the first instance, or alternatively please contact the project's supervisor Professor Paul Blyton   for any concerns you might have about the study.

- *Email*:
- *Telephone*:
- *Address*: Cardiff University, BRASS Research Centre, 55 Park Place, Cardiff, CF10 3AT.

Appendix 8: Interview Consent Form

**CARDIFF BUSINESS SCHOOL
RESEARCH ETHICS**

Consent Form: Business and Human Rights Study

Louise J Obara: BRASS Research Centre, Cardiff University

I understand that my participation in this PhD project will involve an interview of approximately 30 to 60 minutes about the company's approach and management of human rights and how this developed within the company.

I understand that participation in this study is entirely voluntary and that I can withdraw from the study at any time without giving a reason.

I understand that I am free to ask any questions at any time. If for any reason I have second thoughts about my participation in this project, I am free to withdraw or discuss my concerns with the project's supervisor Professor Paul Blyton

I understand that the information provided by me will be held confidentially and securely, such that only the researcher (Louise J Obara) can trace this information back to me individually. The information will be retained for up to one year and will then be deleted. I understand that if I withdraw my consent I can ask for the information I have provided to be anonymised/deleted/destroyed in accordance with the Data Protection Act 1998.

I, _____ (print name) consent to participate in the study conducted by Louise J Obara _____ of Cardiff Business School, Cardiff University, under the supervision of Professor Paul Blyton.

Signed:

Date:

Appendix 9

PhD Interview Guide

Introduction
- Purpose of interview (i.e. PhD study, not MoJ).
- Consent form (highlight anonymity and confidentiality).
- Recording of interview (delete after transcribing).
- Copy of the interview transcript (check comments / amendments).
- Any questions before start?

Development and process
- Can you describe the company's history and involvement with human rights?
- When did your company first consider human rights? (prompt: how and why?).
- What happened next? (see general prompts).
- Where do you obtain guidance and information from about human rights? How do you use these sources? (prompt: which sources used and when).
- What are/were the main challenges and barriers during the course of this process? (prompt: when e.g. interpretation/implementation, and lessons learnt/do differently)

Meaning and interpretation
- What does human rights mean to you/your organisation? What does it conjure up?
- What is the company's definition of human rights? Has an official definition been developed? Does that differ from yours?
- What human rights does the company commit to / prioritise? Why these? (prompt: who decided, different/same between participant and company).

Language and Terms
- Is the term 'human rights' used in the company? (prompt: how, when, why, by whom).
- What terms are used within the organisation and why? (prompt: who uses what term e.g. respondent, team, division, board, organisation).

Implementation
- How is human rights implemented within the company? How does it work in practice? (note: policies, systems, mechanisms, formal/informal, comms).
- Which department(s) or person(s) have responsibility for human rights? What do they do, their role / purpose? (note: location in structure, report to whom).
- Human rights policy? Who is it for? How is it used? (prompt: developed how, by whom, internal/external use).

General Prompts
- Who was involved in the process? Why? Role and position.
- Activities and interactions that took place, when and how often, formal/informal.
- Types of communication, talk/text, meetings/reports.
- (Note SM properties: social, cues, identity, construct, plausible, retrospect, ongoing).

Additional Questions (if time)
- What are the main pressures/influences for companies to support human rights and why? (prompt if not mentioned in history).
- What are the key issues /priorities facing the company (human rights/in general)?

End of interview
- Is there anything else you'd like to add?
- Why did you agree to take part in this study?

Appendix 10

Study Companies: Additional Background Statistics

UK and Global Employees

	UK employees		Global employees	
	Number	*%*	Number	*%*
1 - 1000	2	*9*	4	*18*
1,001 - 10,000	8	*36*	1	*5*
10,001 - 50,000	9	*41*	10	*45*
50,001 - 100,000	1	*5*	3	*14*
Over 100,000	2	*9*	4	*18*
Total	22	*100*	22	*100*

Annual Turnover

£	Number	*%*
0 - 100 million	1	*5*
100 - 500 million	0	*0*
500 - 1 billion	1	*5*
1 - 10 billion	12	*57*
Over 10 billion	8	*33*
Total	22	*100*

Country of Operation

	Number	*%*
1	4	*18*
2 - 5	2	*9*
6 - 10	2	*9*
11 - 20	3	*14*
21 - 50	5	*22*
51 - 100	3	*14*
Above 100	3	*14*
Total	22	*100*

Country of Operation

	Number	*%*
UK only	4	*18*
More than one country	18	*82*
Total	22	*100*

Company Head Office

	Number	*%*
London	9	*41*
UK	11	*50*
Europe	2	*9*
Worldwide	0	*0*
Total	22	*100*

Appendix 11

Interview transcript with CR Manager of MEa
Conducted by TwentyFifty and Louise J Obara (2009)

COMPANY: I'll be honest with you, I don't know how much you know about the company and how we are but realistically with regards to human rights positions or anything else we're at a very very early stage of ▮▮▮▮▮▮ and that's probably cos of the industry that we're in and up until this point the company have shied away against any kind of sphere of influence that it had. So it's something that we're currently working on.

TWENTYFIFTY: Right OK. The point is we're interviewing across the spectrum of companies engagement with human rights. So please feel free say where you are. So basically we'll start at the beginning. Is the term human rights used within your organisation and if not what term do you use?

COMPANY: To be honest with you we don't use human rights because of being the ▮▮▮▮▮ industry it's something the industry as a whole as well as the company have shied away from because if you look at the implications of the products that the industry makes external stakeholders would say it's not so much about us supporting human rights is about taking rights away. So I think that's why the term human rights has always actually been a very uneasy term for the ▮▮▮▮▮ sector as well as my company to use. So we don't use it at all within our company.

TWENTYFIFTY: So what terms do you use?

COMPANY: We don't to be fair. This is probably the first time that we've actually started to use the terminology and actually looking into what it actually means to the company. If you ask about specific things like collective bargaining or upholding employees rights etc the company would say that it does that but if you then attributed it back to individual people's human rights I don't know what kind of response you would probably get. So we do do lots for employees that probably complies with a lot around human rights and with our supply chain but we just would never ever use that terminology. It would be more against the kind of line by line item basis without it being rolled up into anything.

LJO: So how far along have you progressed? You mentioned you're at the early stages so could you describe what you're currently doing and who's involved?

COMPANY: So the current project that I'm involved in at the moment is looking human rights and what it means to the company both from an internal perspective as well as an external point of view. So one of the things that I've been doing is talking to some analysts as well as external companies to basically see what their expectations is about human rights but mainly mapping though our value chain internally to see where we touch on human rights, what we're currently doing and carrying out a gap analysis over what we're not doing. And I think the thing for us is where we get into murky water is how our products and services are actually used when we hand over those products and services as part of contracts. So for us it's quite early in the process because we are going through all of this mapping to see what we do and what we don't do and what we could do. But also to hold our hands up and to sort of say these are the areas that we can never influence for the following reasons. So as a joined up kind of project where we are using the terminology this is probably the first time that we've really undertaken it at the company.

TWENTYFIFTY: And what prompted that?

COMPANY: It's something that's been an issue for stakeholders increasing over the last year or more particularly if they look at what we're doing around ▮▮▮▮▮▮▮▮▮▮▮▮. I don't know, do you know what ▮▮▮▮ committee is for ▮▮▮▮▮.

TWENTYFIFTY: No I don't.

LJO: Yeah I had a quick look on the website, actually I was going to ask you about that and what initiated that committee.

COMPANY: Basically if you look at the ▮▮▮▮▮ industry and ▮▮▮▮▮▮ specifically the industry as well as the company has had a number of reputation issues around ▮▮▮▮▮▮▮▮ in the industry

TWENTYFIFTY: OK this is in the US?

COMPANY: No within the UK. ███████████████████████████████████████ ███ but with regards to that it has meant that we have received a hell of a lot of negative press coverage as a company individually as well as collectively across industry. So one of the reasons going back to 2007 was our Chairman set up an independent committee to look at ethics within the industry and more relevant to ████████ around what systems and governance we already have in place, what is fit for purpose, what we need to improve on and basically what we need to do to fill the gaps. So that basically came into the businesses recommendations in May of last year. The company accepted to respond to each of the recommendations without sight of the report. So in total we have something like ████ recommendations ██████████████████████ put in place and that included everything from implementing a global code of conduct rolling that out to all employees as well as things like ensuring that there is a member of the CR department that reports directly into the CEO that has board visibility etc. So there are a number of recommendations that the company are working towards which will put it on to the path of leadership within the area of ethics. And it helps us to demonstrate that we do have processes and policies in place. Probably being in the ████████ industry hasn't helped the company in its communication style with regards to being open and being transparent around the information. But I think one thing that the █████ recommendations did help us do is actually demonstrate to people that we did have a lot of stuff in place. And there was things yes we needed to improve in but we were open about that. And I think that's one of the things around the ████████ industry is that people really don't understand it. I think most people even in with tobacco and alcohol industries everyone sees them as controversial but they do have measures in place and they do have governance structures and there are things that they have to adhere to with regards to advertising etc now so you know I think sometimes across controversial industries people do tar with one brush and say well you're irresponsible. They don't actually look at what you do have in place sometimes they're too busy focussing on the product but alongside some of those products there is a choice for people to use.

TWENTYFIFTY: OK so you would use the term ethics now then?

COMPANY: Yes we do. So ethics and business comes up so around that there was a lot around transparency of what we do in industry, transparency around our business processes, what countries we work in, what criteria is used to sign up to contracts around what criteria is used to say no to contracts, who we use within business transactions etc. So it covers a whole host of things that the company's now working on and improving on or introducing new policies or systems.

LJO: Could you talk about your role as CR Manager and what it involves?

COMPANY: I've been in place 2 years now. Basically what happened was the department that I'm in moved from being reporting into ████████ to now reporting through via the CEOs office and we also have someone who now heads up the department who was a former line leader who reports direct into the Chief Executive here.

LJO: Was that set up as a result of the ████████████████ ?

COMPANY: Oh no no. We've been around for about 8 or 9 years so we have always been a department. We have supported internal projects, we do external benchmarking. We bring that in as improvement. So we have always been around, we have always been termed as a corporate responsibility department, what this just means is that now we sit higher up the food chain and we report directly through to the CEOs office. So it gives the department more visibility.

TWENTYFIFTY: So do you now have the total backing from the CEOs for the kinds of things you have to put in place now?

COMPANY: Correct yes.

LJO: What do you think are the main reasons for ████████ taking on this more coordinated approach. You talked about reputation and brand, would that be the main reasons do you think?

COMPANY: No cos if you look realistically CR started to really pick up importance in 2007 because of a number of things. Yes ethics, there was the reputational issues around it but there are also others things. If you look at safety at the company, the company realised that to even be on the

same page as other companies that we benchmark against and look at as best practice wise or leaders in the market we were falling behind in those areas. So we actually put in the beginning of 2008 3 CR priorities linked to bonuses so that we have non-financial priorities in the company that were introduced. So it started really ramping up for the department as well as embedding CR across the company at the backend of 2007. So during 2008 12 percent paid out against bonuses for our senior line leaders around the areas of business conduct and safety as a priority so they now have parts of their bonus that are now in the area of non-financial.

TWENTYFIFTY: That's interesting. And so when you talk about all these findings that you've got to implement including a code of conduct for all employees what does that code of conduct involve?

COMPANY: Our code of conduct is global. It's something that already started as a project in 2007 that we started to review and we started back then was because we'd had a number of mergers and acquisitions across the company and we realised back then before ▮▮▮▮▮▮▮▮▮▮ was actually meeting was that we needed something that was global so that if you're an employee no matter where you were in the company in whatever part of the world you would know if you saw that document what that document meant and what is included so we worked throughout the backend of 2007 and 2008 on taking on the best processes and practices out of our business and having a look externally to see what other companies were doing around codes of conduct and assistance from employees and we launched January this year a global code of conduct that has been sent out to all employees. Its something that employees have when they have received it as part of a briefing. They then sign off a note to say they've received it and then that's reinforced during this year with either online training or face-to-face training depending whether you're office based or manufacturing based. So within that code of conduct it basically covers a number of things that are relevant to employees so it's around our workplace responsibilities to everything from an inclusive workplace behaviour, to health and safety, community, environment, conflicts of interest right the way over to our business responsibilities as individuals so around high level product safety things like facilitation payments and company giving. It's a document that everybody has a copy of. It's been translated and it's what we class as an easy reference guide to say this is what the business stands for, what are our standards and what is meant by individual responsibility and accountability. Within the guide it also gives a number of practical examples of ethical dilemmas and also tells employees where to go to for further information.

LJO: How do you think the code of conduct has been received? Do you get the feeling its actually looked at and used on a day-to-day basis?

COMPANY: Current feedback that we have had is that people are actually using it and they're also using it to find out other places where they can go for information to whether that's online to look at policies, whether it's checking with HR or whether it's going through to the helpline. So we know in that sense it is working and also the number of ongoing feedback that we received around I hadn't realised X or this is really good cos this is the first time everything's in one place. And I think going forward we're also getting feedback on how we can improve upon it and also give other ways that people can access the information. But it's one of those things, it's the first time the company has done it globally so I think you can always continually improve on these things and I think the more people realise that it is a live and ongoing document as well. It's not something that you get once and you're never gonna see again. We are looking at reissuing this every 18 month to 2 years. But it's also being reinforced in a number of other ways across our newsletters and on our intranet being part of ongoing team briefing mechanisms that we hold across the company on a monthly basis. So people can see it's a live document and it's about taking it now over to the company kind of culture and how we do business so it's the embedding part now that's important.

LJO: And would you say the code of conduct is one of the ways you're trying to implement these recommendations? Could you talk a bit about other mechanisms you have in place? You've talked about embedding CR in the company so I'm just wondering how you do that?

COMPANY: Yes, that's right. I would say for all employees it's probably the first time that we've done anything like this where it's accessible to all employees. If you look at other tiers of management across the company, CR and other points of governance have always come across

in different ways. So depending on your level of management responsibility this was probably always something that you had referenced and had done because it was part of your job where employees on mass they have probably just done things because that's the way we've always done things but this is probably the first time it's been in a written easy format to say yeah you are doing this right or are you aware that there are different ways of doing things. We also have monthly team briefs or toolbox talks or lunchbox talks, so on a monthly basis we do have a cascade system that highlights major corporate things about the company and then going down to more line of business or site specific stuff so we use that as a tool. We have our newsletters, corporate as well as business unit ones so that's used as a mechanism for interviews and articles etc. We also have an intranet system that employees can go on to so there's news items on that. The code of conduct is online as well as in hard copy. So there are lots of internal communications systems that we use to leverage the messages that we have and we're factoring it into people's PDR's now so how we do business is very much seen as being integrated into what people should be doing within their day to day job rather than it just being objective focussed annually. There are other things that are now being embedded across that process. So it's lots of things, I don't think you can ever do just one thing I think you need to continually reinforce and embed throughout the year consistently across everything you do rather than just using one vehicle. And as I say there's also ongoing training as well that people receive and specifically around business conduct that individuals are now completing, annual training on it as well.

TWENTYFIFTY: What happens if something does, an employee finds that there is a problem is there a procedure for...

COMPANY: Yeah there is. We have something called an ⬜⬜⬜ which is a global helpline system that employees can phone up whether it's to ask for advice and they can do that anonymously or they can give their details or if it's they particularly want to report again they can report it through that helpline or via an email address. We also recommend people talk to HR or their line management. So what we say to people is that you have a number of options depending on how you comfortable you feel with the options so that we don't force anybody down any one particular route. And that's something we emphasis in the training that we give. And we also have trade union representatives as well so that's another option for people if they want that route.

TWENTYFIFTY: Just coming right back to the beginning again, what do you think caused all of these problems?

COMPANY: What do you mean by what caused the problems?

TWENTYFIFTY: The ⬜⬜⬜⬜⬜⬜ issue.

COMPANY: I think it's very much in a similar vein to what tobacco industry and the pharmaceutical industry have faced, it's around transparency. So it's around one people's knowledge of the industry that you work in and the governance that is in place and that's probably quite a key driving force and also about how the company has then taken that transparency and engaged with stakeholders to educate them on it.

TWENTYFIFTY: What about looking at risk management or due diligence issues, do you ever touch on human rights?

COMPANY: I mean I've only been in the department for a couple of years so I don't know if it's been touched on before but I know since I've come into the department around human rights it has been on our radar to address so to speak. With regards to other non-financial risks that's something the company has been doing for a while and complying with things that have come out in the Companies Act.

TWENTYFIFTY: And what about those issues you were talking about, what's done with your products after you've sell them. How are you grappling with that?

COMPANY: The thing we're reviewing at the moment and it's something we may or may not be able to grapple with. I think this is what we're getting our heads around at the moment because we provide goods and services basically to whether it's UK government, American government or exported to from government. ⬜⬜⬜⬜⬜⬜⬜⬜⬜⬜ We do have end user certificates in place around exports and around the fact that countries can't then re-export it. But then it's how far we can

actually go with that sphere of influence so what measures can we actually put in place as a company that one doesn't overstep the mark with our own government on the export side of things. But secondly actually doesn't then overstep the mark with other governments that we're dealing with. So it's really getting to grips with what we can and can't do within that area.

LJO: It's very tricky in your industry because where does your responsibility end? It's a very interesting area.

COMPANY: Exactly. And that's the thing that we're currently trying to deal with is to get our heads round. I mean I know I have gone out and spoken with a SRI analyst the other week. We went round this one for quite a while but even he was saying at the end of it is you can only demonstrate your duty of care to where you have your influence. After that you just have to be very very honest around the limitations of public policy in place and where you can no longer influence. You know you can only take it to a certain stage where your goods and services are then handed over in compliance with export contracts but after that how far can that influence go. And it's that bit about being honest and being transparent around this is how far the company can go and this is where we can't. And he was saying there may be people out there who may not like that but at least you are being honest and transparent around what you can and can't do as a company.

LJO: But in terms of risk management there are, I assume, policies and processes when you're thinking about a new contract?

COMPANY: There are. We can only export, we have fixed markets and home markets and by home markets I mean where we have indigenous capabilities. So we have site and facilities and employ local people of that home market. So if you look at the UK for example we can only export to countries that are compliant with UK Government. So if a contract comes up we can not go for any contract we have to basically talk to the UK government to see whether they will or won't allow us to even tender for that contract let alone supply to. We will only operate and supply markets that the UK Government believes is a safe country for us to work with.

TWENTYFIFTY: What are those markets just out of interest?

COMPANY: I'm not a specialist on that area it's something I could try and find out for you. I believe there's listings on websites around countries that the UK will and won't do exports with. But to deal with some of the countries government would actually take in things like human rights abuses in the past, changes of regime, the stability of the country, does that country have sufficient funds in place so that for example money isn't being taken away from the health and welfare of individuals in that country to be spent on ████████████. So there are a number of things those countries would have to demonstrate or comply with to be put on the list whereby we could actually export to them.

LJO: Do you have any interactions with the UK Government on human rights?

COMPANY: No we don't. It's the way that the MOD's run it's through certain channels that you go through. So they wouldn't expect me in corporate responsibility to be picking up the phone with them to talk about human rights. Our government relations department may do when they're dealing on lobbying but to be honest I don't work in that area so I honestly don't know and I've never had anything communicated back to me.

LJO: OK, thank you for that.

TWENTYFIFTY: But you have the responsibility for looking at human rights issues even if they're not specifically called that, there's no-one else that's looking at it?

COMPANY: No at the moment the CR department is basically the ones that's driving the project on it. So we're liaising with other functions from HR to procurement to collect the information we need to see what we've got in place to conduct this gap analysis.

TWENTYFIFTY: So what other issues are you grappling with in terms of human rights at the moment?

COMPANY: To be honest with you as I say we're at the early stage. So we're looking at what we're complying with at a basic level to where we have the gaps.

TWENTYFIFTY: What are you looking at in terms of compliance in terms of guidelines?

COMPANY: Uhhh, well at the moment we've got a call in with the Global Compact so we're also looking at things like ILO, OECD. So we're at the very very early stage of actually conducting

what do we need to look at from a guidance and a regulation point of view. What are we currently doing and complying with and what we aren't.

LJO: Have you also looked at the Human Rights Act itself?

COMPANY: Yes it's one of the things that we're reviewing. But we're at the early stages at the moment. We're literally just putting together our value chain to go right the way from who are our key stakeholders to how we're touching upon things.

TWENTYFIFTY: So in fact we should be having this conversation about six months down the line.

LJO: Yes, it's really interesting from our point of view because you're right at the beginning and when you are right at the beginning where do you begin, where do you first of all look and what sources do you use.

COMPANY: And I can tell you it's really confusing as a company and I think when you add the ▨▨▨▨ into the mix it's even more confusing cos we were getting the greatest amount of pressure to go via the UN Global Compact route and go from there. But I don't think that is the way for us to go.

LJO: And why is that can I ask?

COMPANY: I just think that if you just sign up to something you're almost, if you're just gonna sign up to something for the sake of signing up to it that's not the right way to go. I think you really need to review your business processes and systems that you have in place and really understand what human rights does and does not mean to your company rather than just signing a document and then just filling out every 2 years yeah we're doing this, that and the other because that's not really addressing or embedding human rights across your organisation. That's actually approaching it in a tick-box fashion. The other thing that we're approaching with caution is I know 900 companies have only just been delisted from Global Compact but it doesn't come across that Global Compact is being run with any kind of structure around it to really review what companies are submitting or not submitting. It almost seems just a registration exercise that doesn't seem have any teeth. So right now we would probably be laughed at by our external stakeholders in the form of NGOs if we just signed up to Global Compact because I think it's not viewed in a very positive way currently. So we're getting our own house in order first around our value chain, what we're doing, what we're not, where are our gaps, where are we never gonna go with human rights, then sign up to something like Global Compact because then at least we have an understanding in the business where we are rather than just looking at something and signing off against something where we actually don't have an integrated approach as a business. And my understanding is there is only one other ▨▨▨▨ company that has signed up which is to UN Global Compact and they specifically reference employees so they do not reference the wider remit of products and services. So if we wanted to probably to do something generic to say employee wise yes we uphold all of their worker rights and human rights we could probably go that far but the first things that we would be asked by NGOs is yes but what about how your equipment or products are actually used. And I think you can't, within the value chain stuff you can't do one without the other because then it's quite a nice little package if you just put it around the employees bit but that's not what we're going to be questioned on.

LJO: So what are you currently looking at that's giving you information and advice on mapping this gap analysis on human rights?

COMPANY: To be honest with you going out and doing some benchmarking with companies who are in a similar situation to us to see how they've actually started to review similar projects internally and the majority of the companies have started up with a bottom-up approach of what do you do in your business and what is your value chain offering and the mapping on it things like the Bill of Human Rights, what's said in the UN Declaration, what kind of things that you would need to submit through whether it is in things like Global Compact. Then to see where the gaps are. So it's referencing a lot of best practice of what other companies have done because I think one thing that has come through loud and clear is quite a lot of companies going into this area are quite confused by the kind of information sources that are out there.

LJO: Have you looked at or worked with any NGOs on these issues on human rights?

COMPANY: No, what we're doing first is looking at what we have across our value chain and the gaps that are there and then doing a plan what we need to do and putting together our position. Then

what we will be doing towards the end of the year is holding roundtable discussions with some key stakeholders to say from an external point of view do you believe that the approach that we're using is the kind of approach that you expected a company in the ▮▮▮▮ industry to use. For you do you see any gaps, do you think from your point of view that this is it far enough so that we can get that dialogue going so that we can get an understanding of where they're coming from expectation wise to what the company will actually be delivering at the end of it. And then to do that next piece with the likes of whether it be Transparency International or Oxfam or whoever to then take that next step of getting those individuals in a room.

TWENTYFIFTY: So when you talk about stakeholders what kind of stakeholders are you talking about?

COMPANY: We've done quite a lot internally. We have also gone to quite a few SRI analysts who are coming through with a lot of questions for us. Also benchmarking with companies in the pharmaceutical, tobacco and alcohol industries because there's a lot to learn from the stakeholder engagement and dialogue sessions that they've been through. Because to be honest if we actually went out to some of our key NGOs right now it wouldn't be a constructive dialogue with them.

LJO: Do you think they would push you in a direction that you wouldn't necessarily want to go?

COMPANY: No no it's not that. I think before you can even do that you need to have a thorough understanding of how far the business is going to go because having dealt with NGOs before who have come into the company, they're very much about their expectation and wish list and if you can't respond or answer to them there and then in that room it doesn't actually go for happy dealings. And I think you need to have that thought plan in place about how far the company is willing to go and the kind of things that the company is going to do because that actually means more constructive dialogue rather than just going in and people think they've got a chocolate box to choose from. So I think it's the thing of having an understanding of internal expectations on what we're doing before we can actually go out and have those conversations.

TWENTYFIFTY: Do you think there's a role for the government to provide some sort of leadership or advice and information. Should they lead this do you think?

COMPANY: I think it's always useful to have touch points where you can go for guidance and for advice. Cos I know next week I'm going in to see someone just to have a chat about UN Global Compact and just kind of expectations of what they would have or us if we actually went down that route. And I think that's the important, I think that's the key thing, having benchmarked with other companies it's very much around what are the expectations of the industry and those around you regulators of what you should be doing or shouldn't be doing. So I think any kind of guidance in that area would help the majority of companies to know what kind of direction they should be heading in.

TWENTYFIFTY: And for example the Human Rights Act, is it helpful or it's just a list of things you've then got to work out how to do it?

COMPANY: To be honest with you, having gone through and tried to do information gathering on this, it does almost feel like there is just never ending lists and lists and lists of things. And unfortunately when you do look at things like the UK Bill of Rights or the UN Declaration of Human Rights the language that is used within them isn't actually accessible and it can be interpreted in lots of different ways. And I think for me the next big thing internally is to get the legal department in on things to actually start reviewing it from their point of view. But the reason why we're trying to review it from a level of independence within the CR department is as soon as you get your legal department on board unfortunately it is very much about crossing the Ts and dotting the Is. And there is that kind of risk of taking it, not just going down a legal route with it.

TWENTYFIFTY: Would you find it helpful to have something that helps you translate the Human Rights Act or human rights guidelines that you could actually work within the company?

COMPANY: Yes. I mean if you put in human rights into google or whatever search engine the amount of stuff that churns on it and the same as if you put in John Ruggie the number of hits that come up. And it does get confusing around where can you just go for very very simple guidance on this and where can you just go for reference documents that puts all the links in the chain

because if you go into one site whether it's UN Global Compact, what one set of guidance can you download that tells you how things link up from ILO to Declaration of human rights to this to that. Everything that you reference is in separate areas and you're almost having to weave it together. You know and that's why on the benchmarking point of view from seeing other companies just even learning tips from other companies about oh right yeah we had a similar problem just reference this and we reference that, it just makes life easier.

LJO: Yeah, so it sounds like that's been a challenge for you, lots of information but in lots of different places. This leads to another question we have which is about your key challenges and priorities around human rights. I know you're in the early stages but does anything spring to mind?

COMPANY: I just see it as it's very difficult to say that what the priorities and the challenges are because it's all part and parcel of delivering a position on human rights for ▆▆▆▆▆▆▆. So it's just, it's a number of steps that you are going to go through to get towards a position. In many ways I can't see, we can't go and start talking to external NGOs until we look at the value proposition that we have at ▆▆▆▆▆▆ and identifying the gaps and how we will fill those gaps and where we won't go to. And we can't move onto the next part of external dialogue without doing that part and we can't move onto the end output of having an external position without actually doing stakeholder dialogue. So for me it's just a number of mini challenges to get to the end output of having a clear position on what human rights is to the company, what we cover, what we are going to be working on and what is completely out of our sphere of influence. So I don't see it as being one challenge precedes the other because it's a series of challenges that you need to go through to come out the other side.

LJO: Is there a timeline on that?

COMPANY: No. It will take the time that it takes. And I think that's one thing I have really learned from other companies that have gone through this. You can put any timeline that you want on something but at the end of the day it will take as long as it takes because some NGOs may refuse to come into the room with us so that's in itself may take 6 months before you can get the constructive dialogue on anything. So it's not something that is going to be a tick-box exercise where we say in a year's time we will have X because it may not be a year's time that we have X. It's something that we have already outlined within our CR report for this year to say that we are looking, we are developing a human rights position and it's something that we will continually update people with with regards to where we are with that but I wouldn't want to put a timeline on it because it's not something that's happened overnight and in many cases it's not as something that's happened within a year or 18 months.

TWENTYFIFTY: One of your potential stakeholders is your clients, are you or will you be talking to them as well?

COMPANY: I'm not personally but it doesn't mean that other people in the company aren't talking to them and part of the stuff that we're undertaking about reviewing value chain I've got a map sitting in front of me at the moment and the big one that slaps out is customers. So it may not be me talking to those but at some point someone will be talking to them in the same way that we'll be looking at supply chain in the same way that we'll be looking at sub-contractors and the same way that we will be reviewing business partners. There isn't one person that can do all of that because there are already predetermined relationships and chains of command already in place that actually go and have ongoing dialogue with those individuals.

TWENTYFIFTY: Other than the UK government you're not getting pressure from your clients to do corporate responsibility?

COMPANY: Now you're using the term corporate responsibility and you were just talking about human rights which are two very very separate things.

TWENTYFIFTY: What I meant was human rights.

COMPANY: At the moment my understanding is no we're not getting a push around the human rights piece in the markets that we deal with and as I say I'm not the main point of contact for those areas. So it may have been discussed, there may be discussions ongoing but that's something as part of the work that we're doing is looking at what discussion are taking place or have taken place.

TWENTYFIFTY: Thanks. I think we're pretty much there cos we've covered unless there's anything else that you'd like to talk about or you need?

COMPANY: The only other thing I can say is I think you need to bear in mind for any company who works across different markets is you deal with different legislation and regulations in each country that you work in. And whenever I've seen guidance put down it's very much around this is about the UK but when you are actually operating as a global company you do have to remember that this is just one market that we're complying with or that we're reviewing guidance around. Do that's why I'm saying I wouldn't put a timeline on this because we have to get everybody comfortable and ensuring that we're addressing everything across all of our markets not just the UK.

TWENTYFIFTY: Absolutely.

COMPANY: Just out of interest are there any companies that you could say right now that are doing this really really well that could be seen as best practice

TWENTYFIFTY: Yes there's certainly are. They are seen as market leaders or thought leaders in that area.

COMPANY: Would you be able to share any names with me so that I could contact them?

TWENTYFIFTY: Um. I'll have to check but if I can I'll come back and tell you via email.

COMPANY: If you could that'd be brilliant because I just want to make sure that whatever models we're putting in place if I can learn from other people whether it's learning from them in a positive way or learning from other people's mistakes of how not to do things. It just all helps when I'm trying to present this to the company to say this is the best approach for us and this is actually based on best practice and how other companies or industries have actually addressed this. Because one thing if you look at the extractive industry they collaborated and they've addressed things as an industry so should we be pushing more down our industry route to say we should be addressing this as an industry rather than one company just trying to push this because then from a customer and supply chain basis this is also made easier.

TWENTYFIFTY: Absolutely. There have been a lot of industry initiatives not only extractive. OK. So thanks very much and we'll be in touch.

LJO: Yeah, thanks so much, it was very interesting to talk to you. Bye.

Appendix 12

Interview transcript with CR Manager of IFa
Conducted by Louise J Obara (2010)

LJO: I wonder if we can start by looking at the history of human rights and how its evolved in your company. Cos you've been involved right from the beginning haven't you?

COMPANY: I've been involved since 2002. So I've been involved since the first CR report for ▓▓▓▓▓▓▓▓ the Group of companies. ▓▓▓▓▓▓▓▓ comes from various backgrounds so the continuation of ▓▓▓▓▓▓▓ is from 1990 when the Central ▓▓▓▓▓▓ Generator Board was privatised in the UK. And it became ▓▓▓▓▓▓▓▓ or part of it became ▓▓▓▓▓▓. So from 1990. Throughout the 90s we were producing environment reports. I think from something like, 1992, 93 so it's very early on and as it went through the 90s it became environment plus so a few things started to be tacked on. At that time ▓▓▓▓▓▓▓▓ was purely a UK company. In ▓▓ we acquired our first operations in the US and similarly I think it was ▓▓ a second big lump of operations. Those parts of the business had also been producing environment reports, for not as long as ▓▓▓▓▓▓▓, but certainly had been doing so since the late 90s. That was when we effectively created a ▓▓▓▓▓▓▓ group of companies and created a corporate centre. And so that's when we started to produce a corporate CR report as opposed to a UK one although to be honest the UK one was the corporate one as well. In ▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓ merged. ▓▓▓▓▓▓ was one of the ▓▓ companies that came from ▓▓▓▓▓▓▓. They also had been producing environment stroke CR reports ... so as ▓▓▓▓▓▓▓ certainly as long as ▓▓▓▓▓▓▓▓ had and had started to produce CR reports in the late 90s early 2000s. So all the bits of the business had been doing it and the reason why I think the history is there is as an infrastructure companies we've always had to gain the license to operate. So we've always worked in communities where the people in the communities were not our customers. So our over headlines pass over etc, etc. So good relations with our communities has always been essential for our business. There's always been a focus on that and obviously being ▓▓ and ▓▓▓▓▓▓▓ both intrinsically unsafe products then safety has always been a critical importance to us and just by the nature of our business environmental impacts have always been significant if not controlled. So there was always a recognition that we had to manage those risks of the company and as I say have strong relations with communities because we would go in and disturb them when we build things. So, but it wasn't called CR probably until the group of companies formed in early ▓▓ and then I came on board and that's when we first created our framework for responsible business in 2001/2 and that really started to recognise corporate responsibility as being the combination of all those things plus more. So that's really where it comes from and I think we're not unique. I think all infrastructure companies if you look at ▓▓ if you look at any of the ▓▓▓▓▓▓▓ or ▓▓ companies they all kind of have that license to operate heritage which means they've always been focussed on CR issues they just haven't necessarily called them CR or recognised them as CR.

LJO: So do you think that the pressures and drivers you talked about leading up to CR is still the case now? Are those still the main pressures or has it changed over time?

COMPANY: License to operate is still a critically important requirement of our business. I think where you've got increased pressure over that period of time is from investors who have really showed more interest in CR type things. In the early days there wasn't a great deal of interest being shown by investors, it's increased massively particularly round sort of climate change and that sort of thing. There's now a huge interest and to understand our business and actually make investment decisions based on how we are performing and what our strategies are on actual aspects of our business. I think there's been growing interest in that time from employees and particularly potential employees. And so our graduates coming to the business now are looking for companies that they want to work for because they regard them as being ethical or green or responsible etc. And but I think the community thing is kind of carried through because we still build big infrastructure projects. We still have to get that license to operate in communities.

And they're not our customers so they may have no connection with us at all. They don't necessarily see themselves as customers of ⬛⬛⬛⬛⬛⬛ in any way shape or form and yet we're the ones that are actually disrupting their community. So that's the same both sides of the Atlantic.

LJO: So a lot of those pressures are business case benefits then, would you agree? That communities can disrupt projects, attracting employees and investors?

COMPANY: There's a very clear business case for doing it. Yeah. There will be occasionally and very occasionally that kind of, don't want to use the word philanthropic particularly but where there is not a clear business case but it clearly is the right thing to do or the moral thing to do but in virtually everything there's a very clear business case that either reduces our costs, increases our profit and that reducing cost can be in terms of retention of employees but it's also reducing fines. It's also access to capital. It's also winning business as well. So we've got a few anecdotal, and they're always anecdotal evidence, through our history that we've won particular business opportunities because of the position we've taken on the non-financial issues rather than the sort of pure financial reason.

LJO: So it does make business sense.

COMPANY: Absolutely, yeah.

LJO: Although is there a difference between what you think and what the stance is, the position of the company?

COMPANY: Um, I don't think there is. I'm an engineer so …

LJO: I know I wanted to talk about that cos I know you come from a science background.

COMPANY: So no. I think the difference might be those things like human rights where there's not obvious immediate business case but you can see that there may be in the future a business case. And well we'll come onto human rights in a minute in more detail, it's when we started looking at human rights there was a lot of questions why are we and it was not so much about we have this big risk that we need to reduce. It was we may introduce a risk to the business in future but by doing the work now we will actually not do so. So it was almost...

LJO: You could see that it may become an issue…

COMPANY: And may not even occur. But the company saw that it might and the upfront work that we did particularly with ⬛⬛ would help us make sure, not necessarily guarantee but may help us make sure that we didn't make some of the mistakes that we would have done if we'd gone onto these things with our eyes shut. But even then to me there was a business case for doing it, it was just the return would be a later date and…

LJO: Like a long-term vision.

COMPANY: It's long term, yeah.

LJO: So human rights came along, or you started to think about human rights after the corporate responsibility framework? Is that right? Could you talk a bit more about how that developed?

COMPANY: When we designed the first framework, the original one was a set of 23 bullet point values without any prioritisation, without any great description behind them some of the sort of 5, 6 words long. But the way we developed it was to go out to stakeholder engagement and ask a series of questions and the first one was what are the things that companies like ⬛⬛⬛⬛ ⬛⬛ should be focussing on and how are we doing on them. First question was 1 not at all, 5 critical to the business and the other one was 1 performing terribly 5 performing brilliantly. And from that we were able to start to get an idea of priorities in terms of what our stakeholders believed we should be doing and also obviously where the gaps were between our expectations and our actual delivery. And on that list that we proposed there was ... I think there was 20, 25 different things, just you know climate change, business ethics, so sort of almost one worders, one liners. Human rights appeared on it because we thought we should ask but we really didn't understand what human rights were but the feedback we got was, it was always kind of up there in the top of the list. Similarly and interestingly community investment was always near the bottom and community investment was the only area where people actually scored as higher for performance than importance. So normally there was a gap in investment it was actually the other way around, people were almost saying we were doing too much. But human rights was there. So we were talking about also at that time ⬛⬛ and Amnesty International produced their geography of corporate risk report and they looked at our sector and at the time ⬛⬛⬛⬛⬛⬛

had a very small joint venture in ▮▮▮▮. So on their map was list of human rights abuses in ▮▮▮▮, list of UK companies, ▮▮▮▮▮▮▮▮ was on the list. So that actually prompted us to go to Amnesty and say look we don't really understand human rights but we want to and can you help us. And their reaction was quite understandably well we can't tell you what to do but we can encourage you, we can challenge you etc. So that really started our journey trying to understand what human rights were in the broader sense and that's when we realised it wasn't just about state torture and imprisonment etc and there were things that companies could abuse as well as governments. And that also, because that was the time when Mary Robinson was thinking about pulling together the Business Leaders Initiative on Human Rights because we were one of the few companies that were actually speaking to Amnesty and saying help us rather than shutting the door. It all kind of came together and they suggested to Mary that we joined.

LJO: Yeah cos you were right from the beginning of that initiative?

COMPANY: We were a founding member and we were I guess with ▮▮▮▮ were pretty wide eyed immature from a human rights points of view and we joined the likes of ▮▮▮ and ▮▮▮▮▮▮ ▮▮▮▮▮▮ who were to us human rights professionals. But it was a great opportunity for us to better understand what human rights was about in a very collaborative atmosphere. We were sort of the company that lead on the BLIHR matrix. That was our project in year 1 and we were able to say, here's human rights, this is what we're doing, this is what we must do, this is what people expect us to do, here's the kind of cream on the top of the cake etc. that is above and beyond expectations and look here's some gaps. Basically we've got this covered but there's one or two areas where we might be at risk and that was M&A activity and supply chain. But the way we sold it inside the company was human rights is just another risk. Being an engineering company we love risks and risk management etc. so we talked risk. And we were able to go to the Board and say human rights this is what it's about, mostly got it covered, couple of areas we need to understand better. And because of that approach rather than human rights scary thing, we fitted it in with the language of the company and it got the support and we had the mandate to pursue it further.

LJO: When you say you sold it to the board and translated it into risk, could you talk about how you did that, was it something that you did along with the CR team?

COMPANY: We don't have a CR team. I've always, back at this time there was the director of safety, health and environment and corporate responsibility and me. So there was never a team. And right from day one we've taken a view that CR and human rights is a management responsibility. It has to be embedded and driven from our core lines of business. So I'm, although I'm head of CR it's more like kind of corporate reporting in some respect rather than doing corporate responsibility because most of my activity is outward facing and associated with the annual report and accounts, the CR report, talking to investors. So we've never had a big CR team it's always ever been just myself and maybe a few graduates that come in. So it's always worked on a matrix facilitation, encouraging type, so I would be talking to people in our procurement team and getting them interested and then we'd run some training courses for our procurement people on human rights. I have one very strong ally in the US who was on the US, he was ▮▮▮▮▮▮▮▮▮▮▮▮ you may have come across him. He was a kind of, the way he always described it was he was told to shadow me to make sure I didn't do anything stupid and within a few months he got captured by it and understood human rights and understood its importance to the business so he became a very strong ally and he became my ...

LJO: right hand man as it were.

COMPANY: He used to say he was my lawyer. Between us we worked on it together. But a lot of it was through working with BLIHR and introducing those ideas in and so it was never a very hard sell in ▮▮▮▮▮▮ cos human rights is not a big issue for ▮▮▮▮▮▮. Still isn't big issue throughout the group. There are certain areas as I say like mergers and acquisitions and procurement where we needed to have a better understanding what the implications were, what we were doing, what we needed to do etc.

LJO: So if I'm right, you got your information from the BLIHR to understand what human rights meant, so you first had to grasp what this meant for you along with talking to colleagues and then think how is this best to communicate this to the board and throughout the company?

COMPANY: Yeah. So we used the language of risk and at that sort of up and out level. We produced the public position in human rights fairly early on. That was published in ▢▢▢▢ and we also produced, I think in ▢▢▢▢▢▢▢▢▢ and human rights briefing publication internally. Was just, did a very high level...

LJO: I was going to say I haven't seen that but that was internal then.

COMPANY: I think it's still on our website but it was just a kind of, this is what human rights is or are, this is what it means to companies like ▢▢▢▢▢▢, this is what we're doing. So very high level stuff, a little bit about the norms, what the norms were and why they were important, what we're doing about it, who people would need to talk to if they wanted to understand more and why they were creating so much discussion. That was an internal document we put it into the public domain. So it was suitable for both but it was aimed really at everybody in that company particularly though the management level. So copies were sent out electronically to all of our managers under a covering letter from the CEO saying that you should read this.

LJO: So has CEO support been important in CR and human rights? Does it have to come from that top level d'you think?

COMPANY: Oh. Does it have to? I think the answer, I don't think it has to but I think it makes it one hell of a lot easier if it does and we've been very lucky that we have had the, not only the support but the actual understanding, believe and expectations being set by the executive level. So the answer I'm sure you can but I haven't had to.

LJO: And you said there isn't a CR team, so what department are you in?

COMPANY: I now sit in Corporate Affairs, so I report to the Corporate Affairs Director who reports to the CEO. But we have a risk and responsibility committee which is a non-executive committee and I put fairly regularly papers to them on human rights and each year they have an update paper, if they want to they can call me into discussing it in more detail. My boss the corporate affairs director sits on that committee. The committee is just non-executive directors but there are mandated appearances by the CEO, my boss, so they have to, well they are required to attend.

LJO: I think I read in the human rights public position that the corporate affairs person was responsible for communicating human rights. So how does that work? How do you communicate human rights to the wider company, and what do you say as well, what's in the message?

COMPANY: We don't force feed corporate responsibility. What we talk to people about are safety, health, well-being, inclusion, diversity, business ethics, customer service etc. So there's a difference between what you need to know and what you want to know. So we tend to talk to people about the things that they need to know and also they obviously have access to things they want to know. There is the occasional linkage like the framework that we talk about CR but generally speaking we talk about the individual bits that make up CR that are relevant to the individuals in the organisation. So for example there's lots of information on climate change for instance so although individual employees won't necessarily be directly involved in what we're doing climate change they can look and see and understand and there's material available to help them understand their own contribution to climate change.

LJO: I see. So you talk about the parts of CR rather than CR as a whole, is that how it's implemented as well, through individual parts?

COMPANY: You'll see that certain things are integrated through performance plans. So our executive team and now from down the organisation have part of their bonus linked to achieving our carbon budgets. So if money talks. So 5% of bonus which is 7.5% of salary of our executive directors is linked to achieving the carbon budgets. So 5% doesn't sound a lot but 5% is not an insubstantial amount of money. And that's starting to roll out. Similarly people will have inclusion diversity and safety targets in their performance plans which are linked to bonuses etc. so part of it is integration. You also have people who are directly involved in things like climate change so they will have targets in their performance plans etc. As I say including these high level targets that are across the batch, cascaded down. So part of it is through performance plans. It is just the way we work. It varies, I mean it's not absolute, everything is not embedded with everybody but you will find most of the things we talk about people understand at that sort of management level and further down the organisation, what we're doing, why we're doing it.

LJO: Who decides what's attached to bonuses, do you try and get certain things included in those performance plans?

COMPANY: Yeah certainly. There was a small climate change team at the corporate centre which is now disbanded and one of the things we did is actually work on a proposal of how to link a proportion of the executive remuneration to some kind of target. The ultimate decision is the remuneration committee, so we have to go to the main committee and we have to agree that. But they agreed that there will be these high level carbon budgets linked to people's pay. Other things I don't get involved, so I know there are safety targets but I've not been directly involved in those but they exist.

LJO: You said before that you don't like to call it philanthropy. Why do you prefer not to use that term?

COMPANY: I think it's because there is a very, as I said, for most things we do there is a clear business case which we've established. And so things are done for business purposes. So you look at young offenders programme. There's a very clear need for better skills set. So we're doing it to encourage really, I hate to use this term as well, but captive audience. Where you've got a group of young people that are on the sort of edge of society, they're young offenders, their reoffending rate is likely to be very high if they're released back into society without some form of training. We provide them with training which gives them a career opportunity and also in the company they can potentially become a CEO in years to come. There's no limit on. But for us we actually get the skills set that we need. We need young engineers and those are sort of young engineers that we can tap into. And even when you look at our pure community investment, it is now very targeted on particular business issues. Be that employee volunteering, be it associated with major projects we're doing. So for instance in the US there's been an involvement with a group called ▮▮▮▮▮▮ for quite a few years. We've just introduced it the ▮▮▮▮▮▮▮ project into the ▮▮▮▮▮▮. So it's a ▮▮▮▮▮ stroke ▮▮▮▮▮▮▮. The reason we done it in ▮▮▮▮ is because we're doing a huge amount of work there associated with the ▮▮▮▮▮. So there's a lot of disruption in that community. So it's our way of giving back to the community but it also has a big bonus in terms of getting people involved in engineering. So that's the other thing for us. So if we can encourage people to focus on the STEM subjects our pool for future employees gets bigger.

LJO: Even if they might go to a rival company?

COMPANY: Well yeah. Cos hopefully they're doing the same and they might come to us. So it's very very clear business case so that's not philanthropic at all. We used to be philanthropic and particularly in the US people had budgets and if anybody wrote and said can you give me X number of pounds for Y the chances are they would get it even if they weren't in our service. That's gone now so all our community investment is all linked to clear understood agreed business case generally through partnerships.

LJO: How do you decided to get involved in those particular projects?

COMPANY: I don't, interestingly enough the community investment side isn't part of corporate responsibility within our structure. It's actually looked after by our UK and US public affairs teams because it is out there in the community. But yeah I think it's, we see a growing need or business case people come to us and we have discussions and eventually out of all the people that come to us, presumably all the people that go to them, your reach a point where you can actually say well yes this is a good relationship we can develop and put in place. With the ▮▮▮▮▮ we had a 3 year partnership we've just accepted a further ▮▮▮▮▮▮ I think in the US has been going for the same amount of time we've just injected a really large donation into that. And part of that now is we've introduced it into the UK and hopefully other people will pick it up in the UK and run with it.

LJO: How do you think those within the company view these kind of activities?

COMPANY: I mean I think they say you've always got those that are absolutely committed, the leaders, they will volunteer instantly. The lot in the middle which kind of understand it they will do some things. And you've got the bit at the bottom which just don't get it at all. So there are people that just don't see why we do X and we've got people in the company that don't believe in climate change. So you can provide the information communicate to them but you're not going to persuade them so for that one what we say is well to be honest it doesn't matter

whether you agree or not, cos the UK government accepts it and has set legally binding targets. Our regulators accept it and are set in incentives. The US administration and the US states that we work in accept it. The European Union accepts it and all these are set in business? And the majority of investors believe it as well. So they're rewarding us or penalising us on our performance. So whether you believe it or not these people do. But within the company there will be occasions that on certain things if people don't get it we part company with them. And a good example is on safety where we've had a few of our suppliers that just haven't accepted or signed onto the level of safety performance we expect of them so their contracts have been terminated. So ultimately if you really don't follow the values of the company then we're not going to deal with each other.

LJO: So your suppliers and contractors they have to have similar values?

COMPANY: Yes I was going to say similar values. And part of the public position statement on human rights talks about us working with customers or suppliers with similar values. We won't say you have to adopt the framework for responsible business but what we want them to do is have values that are aligned with ours. I would say as an organisation like us a lot of our people are actually out on the street. Are actually not our employees, they're contractors. So the chances are if you go out there you'll see ▯▯▯▯▯▯▯. So they do have a direct impact on our reputation and that's right the way through.

LJO: That leads me on nicely to the next section which I called boundaries in terms of what do you assume responsibility for? So I'm just wondering how do you prioritise. In your mind is there a clear boundary?

COMPANY: No.

LJO: Is that a problem?

COMPANY: It hasn't been I don't think. No there isn't a clear understanding. There will be, you can always do more. If you look at anything like health and safety or climate change, there's lots of things you can do. Um. I don't know the answer to that actually … We can't really save the world as ▯▯▯▯▯▯ (laughs). We can do our bit. But no it's a risk to the company for a number of reasons. It's a risk through adaptation or lack of adaptation. So climate change can, will impact our operations. It impacts security supply and availability and reliability. So that's one area of risk. Another area of risk is it can erode our business. So an example of that was some time ago that very crudely what we are was based on how much we sold and that's not the way you want to be remunerated in a world of energy efficiency. So we spent a lot of time working with regulators to decouple our revenue stream from demand. So we can now legitimately and rigorously pursue energy efficiency programme particularly in the US where we have customer base which doesn't automatically erode out revenue because we're reducing demand. So that's a risk it's become a, it's been neutralised become an opportunity in some respect because we now see energy efficiency programmes as actually being an opportunity going forward. There's new business opportunities for us like carbon capture and storage, smart grid, renewable ▯▯ etc. so they are new opportunities for us going forward.

LJO: So initially climate change was very much seen as a threat to the company because if you're talking about sustainable use of energy and cutting consumption that has an impact on revenue but now that in turn has turned into an opportunity.

COMPANY: I don't think it was, I think that was probably the same time I don't think it was... there wasn't that clear distinction. And I think as you start to think about the risks you thought about the opportunities at the same time so there wasn't a clear for the first 6 months we thought about this.

LJO: And then it changed overnight.

COMPANY: Yeah. So I think that's partly how it's decided upon. And I think the other thing is, you talk about the over horizon stuff. So human rights for us whilst the company did not see it as a risk, I and my colleagues at the time saw it as a potential risk for the future and therefore understanding it and making sure it didn't become a risk was actually worth prioritising. Which is what we did effectively. We have a much better understanding now and we've integrated labour rights considerations into our sourcing processes which weren't there before and we have protocols which if we are in M&A activity in a country that we're not used to, there's

certain things that we can look at to help us decide whether we go forward with the opportunity or not, fairly high level stuff but it just it wasn't there before.

LJO: So that's quite interesting in a way that human rights were identified as over the horizon and now you would day that's turned into an opportunity.

COMPANY: I think the things it's really added into is the kind of the supply chain and the M&A. The other stuff was there already. I don't think calling them human rights would make any difference in how we pursue them. We think of them slightly differently or I think of them as being human rights but once again we've not force fed people human rights. It's very difficult to describe because people think safety, so there is a definite safety culture in the company which dominates. So we'll talk about say that's a human right, but people in the company talk about safety so that's the language we use, that's what we focus the effort on. So it's really coming back to what I was saying at the beginning that really there were a few gaps on this matrix and we focussed on filling those gaps. So it's not a hard sell by any stretch of the imagination. Once again because of where we are. If suddenly we start having operations in India and China and Colombia and wherever, Saudi Arabia then it'd be a whole different ball game, but we don't.

LJO: But then if you did you're in a very good position.

COMPANY: It was about not making silly mistakes, making sure that part of any due diligence or ahead of any merger acquisition activity consider human rights as well as all the other things we considered. It was as simple as that.

LJO: Your day-to-day job, I was just wondering, you're from a science background, an engineer initially. This is probably nothing to do with my PhD at all but I'm just curious how that transition.

COMPANY: It's an accident.

LJO: As most things in life are.

COMPANY: I started off as an electrical engineer, I spent time in construction. I then moved into corporate strategy and I spent 3 years in corporate strategy. I then went into business planning in one of our lines of business and I picked up all the odds and sods that didn't fit into one of the engineering streams. So I looked after procurement, I looked after admin, I looked after IT, I looked after facilities. And I also looked after ISO140001. And it came to a time when we were going through a major reorganisation in the company and I was made redundant and I was within a week of going and I got a phone call from my previous boss here now saying I've got this project to look at sustainability would you like to come and work for me for 6 months because you've done project management and you've done corporate strategy. And my answer was no and the conversation the following day was I might have jumped a bit and yes. And I started and it was just after 9/11 so people were talking about the jobs collapsing. ▮▮▮▮ ▮▮▮▮ and people were talking about no-one flying and the airport closing and that sort of thing. And I started working with him and 6 months became 12 months, it became 15 months and the merger with ▮▮▮▮ came about and there was a CR post created in the structure and I effectively then...

LJO...came into that role.

COMPANY: So it really is by accident. But being an engineer does help cos I understand the business and at the time was corporate responsibility was a project, we could actually project manage corporate responsibility. So my project management background and my strategy background plus I'd been involved in ISO140001 were all seen as things being that would be the right skills mix for this short-term project to introduce CR. And of course it doesn't work like that. And I think fairly early on, we started off to produce a sustainability policy in the company and over a period of time that became our framework for responsible business. So clearly there were a policy.. Last thing we want is another policy. Plus corporate responsibility is not something you can project manage as such, it's more about culture of values. And we didn't want to talk, sustainability was a word that wasn't recognised by our US colleagues in particular at that stage. So we ended up with responsible business which kind of said what it does on the tin. And a framework because we didn't want it to be a policy.

LJO: Do you talk about sustainability of sustainable development or is that just now corporate responsibility?

COMPANY: What we said, when we came to review the framework last year we were thinking we may change the name to the framework for sustainable business. But we did some external engagement and the feedback we got is that leave it as responsible because sustainable still doesn't mean that much to people. It's becoming a discredited term, it's a greenwash term whereas responsible...well I don't believe if you're responsible you're sustainable but if you're sustainable you're not necessarily responsible was some of the feedback we got. And therefore don't change it, it's not broken. But we talk about it where we need to talk about it. So we talk about environmental sustainability but we don't hard sell sustainability as the whole thing we talk about being a responsible business or acting responsibly or having responsible business practices.

LJO: OK. Cos companies do talk about being sustainable business but they mean sustainable in terms of profits.

COMPANY: Well that's the other thing yeah. But I mean I think it's a fascinating area to be involved in cos you have to know a bit about everything you do and you have to know an awful lot of people in the company to know the detail. But I have to know people in HR, have to know people in US business. I know people that sit in our US business and responsible for procuring energy cos occasionally an investor will ask a question about where we get our energy from. I don't know but what I do know is the person I need to talk to to get the information.

LJO: So it's like a coordinating role.

COMPANY: Yeah and its more corporate reporting now than it was maybe 5 or 6 years ago. And I think part of that is because

LJO: Reporting internally and externally?

COMPANY: Both but mainly externally. But a great example I gave recently and it s a bit of a kind of, I don't know what the term is really, a catch 22 situation, we're looking to source some of our high value transmission equipment from a country that we have not operated in before, let's put it that way. And I found out about it very late in the process when decisions had been made and I immediately said well hang on we should have done X Y and Z from a human rights points of view. They came back and said yeah we've done all that. And when I looked...

LJO: .... but you weren't part of that process?

COMPANY: I wasn't part of that process. So on the one hand I thought well no-one involved me, then I thought well actually they didn't need to because it's now embedded and that's actually a good sign.

LJO: But still did that not worry you that you weren't involved?

COMPANY: But then you think to yourself well actually that's what embedded is isn't it. And when I looked at the protocol they produced it was well that's exactly what I would have said they needed to do and it was all done, no-one referred to me. So that says success but at the same time you actually feel oh actually it's getting away from me a little bit. Its a bit like being a victim of your own success. Which means I tend to spend more time on the reporting, so CR reporting rather than CR corporate responsibility now. But it is, I have to know a bit about everything. I need to know who to talk to if I need to go deeper so I've got a huge network of people. And people tend not to think of CR team or me as being a threat that's the other thing. So you can generally go to someone and you'll get the information you need because an investor's asked for it, so it's not a, you know, it's politics though.

LJO: I wondering about that because other companies I've spoken to they would see the CR team oh we have to be careful what we say around them because if we say anything we shouldn't it might be seen as unethical, we might get into trouble.

COMPANY: I don't see it. I don't feel it no. I normally find people fall over backwards to help. Sometimes particularly if you dig deep into the US operations, that someone from the corporate centre's actually rung them up and asked them for some information and explain what it's about they oh wow, you know, someone from London has just phoned.

LJO: What's your relationship with your double in America. I did see in the previous report there was your name for the UK here and in America they were called the climate change and corporate responsibility.

COMPANY: Yeah it doesn't exist. In fact at the time, I think it was ▇ wasn't it. He was my boss. What happened I used to report to the corporate responsibility director who reported to CEO

and he also had the head of global safety, the head of global environment report to him. He left the company. These two people went out into the lines of business and I was left with no-one to report to. At the same time we kicking off our climate change focus and so ▮ was brought across from the US for 2 year period up till retirement to lead the climate change initiative and so I reported to him still doing CR stuff. And he reported to the head of corporate affairs and then we had a couple of people, one in the US one in the UK looking at the day to day climate change stuff. Then he'd retired, those two people have disappeared back into the lines of business and I've stayed on reporting to the director of corporate affairs now. And it is kind of the way we occasionally work is that there's big new issue, a small team together work on it push it to our lines of business. I still have an interest in it but it's more of a corporate reporting interest now. So ▮ was my boss but because he came from the US he was also seen as the US contact for the CR report.

LJO: There's not regular meetings or phone calls with the US to see what their, maybe they have a different set of risks that you experience here or?

COMPANY: We have a single risk management process and there's no-one to phone. There's no CR team in the company at all. I mean I can talk to people in HR in the US or I can talk to people in shares in the US, there's no CR equivalent. Corporate affairs are made up of corporate responsibility, media relations, employee communications, US public affairs and UK public affairs. So they're part of, all of us report to the director of corporate affairs. So I mean there's that cross talk there but otherwise I will talk to people in energy efficiency, I talk to people in HR as the need arises and the other way around.

LJO: Is that difficult for you that there's no-one that's similar position as you?

COMPANY: No, there never has been so I don't know if it's difficult or not I've not had anything to compare it with. But no I don't think, if you start having a head of CR in the US the danger is you'll start to, or even head of CR in the UK, there's no head of CR in the UK either at the corporate centre, then the danger is you're gonna start.

LJO: It's seen as a separate...

COMPANY: Yeah.

LJO: Coming back to when they made that decision about that project you weren't involved in, that was actually one of my questions. Are you involved in, if there's a major project, infrastructure development taking place would you always be involved in certain decisions and then there are others that you're not involved in.

COMPANY: No I very rarely, cos we got people who sit down the lines of business that have that responsibility for those particular issues so then we have people sitting in our lines of business that have that community relations role. Our procurement team lines of business and they have that sort of human rights stroke CR remit as well. So it will be very rare for me to be involved in any project. The way I might be involved is say if there's a M&A activity then I'll be involved from that sort of high level screening point of view. I couldn't either. But very occasionally I might be but it's more that they come to me to ask for some help or assistance or advice rather than its part of the process that I should sit on it.

LJO: OK. Which is as we said that's good in one way that it does show a certain level of integration doesn't it.

COMPANY: That's right. I can't tell you whether our system works or works as well or better than other companies that have big CR teams. I don't know cos I've never sat that side of the fence and experienced it but to me CR has to be integrated in the way that you do business. It needs to be part of the day-to-day decision making. You don't need to have a separate team to do that, it needs to be part of how you do business. And to a degree the same as safety, although we do have a safety team but they're there for very definite advice and guidance and legal compliance as well as whereas from a CR point of view they kind of fulfil that role cos CR kind of sits above that anyway. It's part of CR. And I think you need someone or one or two people who just kind of stitch the whole lot together and show particularly the outside world but even internally how it all meshes together. You need someone to fill in the Dow Jones and the FTSE4Good and the BITC etc. And you need someone to produce these reports. You need some kind of group that has that overview from a corporate reporting point of view. And I think you do need somebody that has that remit to look at the over the horizon non-financial CRy

type issues. Thinks like, you could almost say climate change a few years ago but certainly the human rights for us. Things like lobbying and some time ago there was, I started to say well there's a growing interest from investors about the difference between your private position in lobbying and your public position in terms of your reporting. And we really ought to have some kind of statement in the public domain that explains how we manage lobbying and no we don't was the initial actually to keep it quiet and eventually we get one. So it's that kind of thing. The one for us over the horizon is water. At the moment we don't believe water is a big issue for us and it may not be a big issue for us once again given the nature of our business and where we operate but we need to have a public position that explains why it's not important to us rather than just assume it. But there are water issues going forward to us that we need to understand better and so from an investor point of view water is the new carbon. So we're just beginning to get people fired up in the company, thinking about water and we're pulling together a position on water at the moment which may or may not say it's not a big issue for us, but it will say it's not a big issue for us because A B C D and E rather than through ignorance I guess. So that's the clear one.

LJO: Yeah I've heard other companies talk about particularly water as the upcoming issues. So really the last thing I ask people is why did you agree to take part?

COMPANY: Cos I learn from them. Which is why we get involved in the bigger groups is because, and BLIHR we saw it as being a huge learning opportunity. In fact we were a bit humbled to be asked to join in the early days because you had these big companies that were dealing with human rights every day and ⬜⬜⬜⬜⬜⬜⬜ that didn't really understand what human rights were. But we managed to get involved and get integrated into it. So I think it's the opportunity to learn and the opportunity to share experiences. One of the things that we I guess as a business in the community, one of the things we sign up to is to share experiences and encourage other companies to learn from our experiences so that they can short-cut...

LJO: ...maybe some of the obstacles or mistakes that you've come across.

COMPANY: And I think the other thing is we do have an unusual approach to CR because we don't have a big CR team and we never have. And therefore in some respects we've had to do what we do because we haven't had the resource to do anything different. But in fact what we do is actually logically the thing you should do which is focus on integration rather than having a separate CR team that does the CR stuff while the other people do the rest of the business.

LJO: That's really interesting. Well all I can say is thank you very much.

Appendix 13

Weick, Sutcliffe and Obstfeld: Original Diagram "*The Relationship Among Enactment, Organizing, and Sensemaking*" (2005: 414)