



Social



LobbyMap

ASSESSMENT METHODOLOGY

A project that aims to increase transparency and analysis on corporate lobbying on human rights policies.

An initiative by EIRIS Foundation
social.lobbymap@eirisfoundation.org

EIRIS FOUNDATION: Social LobbyMap Assessment Methodology

Contents

EIRIS FOUNDATION: Social LobbyMap Assessment Methodology	1
About the EIRIS Foundation.....	2
Introduction	3
Methodology	3
Sectors Covered	3
Types of Sources	3
Timeframe	4
Approach to Scoring	4
Indicators	6
Q1 Human rights due diligence	6
Q2 Remedy	6
Q3 Value chain human rights due diligence	7
Q4 Stakeholder engagement	7
Q5 Freedom of association and collective bargaining	8
Q6 Forced labour	8
Q7 Child Labour	9
Q8 Discrimination	9
Q9 Health and Safety	9

About the EIRIS Foundation

The EIRIS Foundation is a research, advice and advocacy charity working to pioneer the next steps in sustainable finance. The Foundation has over 40 years' experience of providing free and objective information on responsible and sustainable investment and corporate activity to other charities and the public.

Its mission is to use research, analysis and influence to identify gaps, barriers, opportunities and enablers so that we can help organisations and individuals maximise their contribution to the responsible business and investment agenda.

For more information please visit: www.eirisfoundation.org.

Introduction

The Social LobbyMap (SLM) aims to increase transparency and analysis of corporate lobbying on legislation introducing mandatory human rights due diligence and core labour rights legislation. By doing so, we seek to encourage political engagement that supports human rights policies and enable investors, civil society, and others to hold the business sector accountable where it is trying to weaken or undermine human rights legislation.

The SLM closely follows Influence Map's approach and rationale for looking at government policy, which identifies and publicises how companies and their trade associations are lobbying governments on climate-related policy proposals. We will focus on assessing corporate engagement against human rights legislation. These relate to the existing, evolving, and likely future policies and regulations of government bodies focused on implementing the UN Guiding Principles on Business and Human Rights or elements thereof.

The project aims to provide independent research, assessment and scoring on the political engagement¹ from two types of entities, namely *companies and industry associations*.

Methodology

This methodology document is a result of multi-stakeholder consultation which included representatives from civil society organisations, investors, business and academia in London, Brussels and Amsterdam. We have reviewed all the feedback received during the consultation and amended the document where necessary to produce this final version of the methodology.

This methodology will look at an entities' lobbying policies and processes, we want to understand how an entity engaged with policy makers in practice on specific policy proposals and, i.e., whether it lobbied in favour or against a legislative effort on human rights or labour standard.

Sectors Covered

- PRI Advance Initiative companies which are in the renewable and mining sectors
- Entities in the Finance and Apparel sector
- Trade associations, including both cross-sectoral associations as well as associations in the sectors mentioned above.

In total we will initially cover around 110 entities. We will aim to increase the number of researched entities to cover the remaining cross-sectoral trade associations that made submissions to the EU CSDDD consultations.

Types of Sources

The research will aim to include the following sources:

- **Consultation responses:** these will be the 'main' source (when available) of our research. Legislative bodies often put out calls for input from the general public. This can be open calls for

¹ Note the terms 'political engagement' and 'lobbying' are used interchangeably in this document.

input on a topic, or more structured/specific questions regarding certain policy proposals. Consultations most often focus on whether or not to introduce a legislation and what a legislation should look like. Consultation responses may be publicly available or made public through freedom of information requests.

- **Meetings, email exchanges, and other direct engagement with policy makers** on specific legislative efforts. Meeting notes or content may be obtained through freedom of information requests or via media.
- **Indirect engagement with policy makers**, e.g., open letters to policy makers or other public statements of opinions on specific legislative efforts. These may stem from industry association websites.
- **Corporate websites** - This includes websites, subsidiary (>49% ownership) websites, CSR reports, annual reports, briefing papers, position papers, joint position papers/jointly signed open letters.
- **Media articles and other external reports** - Media sources to use are respectable/recognized global or regional press outlets and business press.

Timeframe

The Social LobbyMap will aim to follow the approach used by InfluenceMap which is that “historical” evidence is weighted less than more recent evidence. However, for this initial assessment of companies and business associations, we will consider consultation information that are older than three years since the intention is to analyse how the narrative in favour or against the CSDDD has evolved throughout these years.²

Approach to Scoring

The Social LobbyMap follows [Influence Map’s methodology scoring rules](#) and assess entity’s social political engagement on a five-point scale of +2, +1, 0, -1, -2.³ This is the primary rating for each piece of evidence.

Each indicator from Q1 to Q9, will be assessed with a score that will range from +2 to -2. These indicators will be assessed against entities response to the CSDDD consultations and/or any other publicly available piece of evidence that may be relevant to the assessment of a particular indicator.

The following table provides guidance on the type of language that would follow on each of the scores.

² Influence Map, “[FAQs: How do you score companies?](#)”. Accessed 4 November 2022.

³ For further details, see the [benchmark methodology](#): “Appendix A: InfluenceMap’s Scoring Benchmarks”, specifically chapter “A.2 Scoring corporate lobbying against benchmarks” and tables 8 and 9 of chapter “A.3 Governmental Policy Benchmarks). Additional examples are listed in the following sections: A.6 Coal (Table 10), A.7 Natural (Table 12), A.8 Oil (Table 14), A.9 Nuclear (Table 16) and A.10 Renewables (Table 18).

Score	Meaning	General interpretation of the meaning
+2	'strongly supporting'	<ul style="list-style-type: none"> Entity is actively supporting the specific regulation or has called for more stringent regulation Proactive calls for legislation in markets where legislative efforts are not yet (formally) underway Supporting action shortly before key decisions are made and announced once the legislative process is underway.⁴ Unprompted public statement welcoming legislation ahead of publication & asking for strong standards.
+1	'supporting'	<ul style="list-style-type: none"> Entity has stated support for similar legislation in this area. Entity supports the legislation [but not actively or strongly but in general terms and without supporting each of the key specifics of the proposal]. Supporting legislation once it has already been passed (NB: In China, apparently it is common for all companies publicly put out a statement in support of legislation that has passed) or where it is known that it will shortly pass.
0	'no position/ mixed position'	<ul style="list-style-type: none"> Entity makes some supportive statements, but it is unclear from the overall balance of their position whether they support the level of ambition proposed. Supports with important caveats that would lower the level of ambition of the proposal Supports some aspects and opposes others
-1	'not supporting'	<ul style="list-style-type: none"> Entity could argue to lower the level of ambition or for weaker requirements Questioning the feasibility of the proposal; No opposition to the legislation in general, but aims to weaken its requirements Opposing action by the body proposing the legislation (even if saying they support action by others), for example European v. national action Seeking to reduce the scope of the proposal e.g. limiting its applicability to certain sectors or limiting how far down the value chain it might apply
-2	'opposing' [the policy strand in question]	<ul style="list-style-type: none"> Entities are less likely to receive a score in this category. Clear opposition to the proposals or to the legislation in general Active lobbying for standards to be weakened Arguing that the proposals or the legislation in general is "unnecessary and premature" or "clearly too early".

⁴ However, where companies publish statements of support shortly before a proposed – i.e., not final – piece of legislation is published, this will be awarded a +2, as it may positively influence other actors feedback into subsequent review periods and counter subsequent lobbying against a legislation. Example: Danone and other companies published [statement of support](#) 15 days before EU Commission published its proposal for a corporate sustainability due diligence directive.

		<ul style="list-style-type: none"> Supporting voluntary measures or other “soft law” as an alternative to the proposals. Arguing that Existing legislation and efforts are sufficient and/or that solving the issue should be left to market forces
--	--	---

Indicators

The SLM indicators are spread over nine thematic areas (Q1 to Q9). We consider these to be key elements of policy acts, in line with the UN Guiding Principles on Business and Human Rights and ILO Declaration on Fundamental Principles and Rights at Work. Our assumption is that including these standards in any proposed policy framework on human rights and business, would strengthen both process and human rights performances.

This also ensures a more granular analysis of lobbying on specific parts of human rights and core labour legislations. Sources have been referenced, where possible, to highlight the alignment of each indicator to international standards and practices.

These themes are then broken down in to the following indicators:

Q1 Human rights due diligence

<i>Sources: UNGP 17 to 21; OECD Due Diligence Guidance for Responsible Business Conduct</i>	
<p>Human Rights Due Diligence is an ongoing risk management process that a company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts.</p> <p>The UN Guiding Principles 17-21 expect a company to implement a risk approach mitigation that includes four key steps: identifying and prioritising actual and potential human rights impacts, integrating action to prevent, minimise and mitigate risks identified, tracking the actions taken and any impacts occurring to measure and improve the effectiveness of those actions, and communicating policies and how impacts are being addressed to rightsholders.</p>	
Q1.1	Making human rights due diligence a legal requirement for companies including systems to identify, assess, mitigate or manage human rights risks and impacts to improve that process over time and to disclose the risks and impacts, the steps taken and the results.
Q1.2	Requiring human rights due diligence of all companies, regardless of sector and size, while still reflecting their individual circumstances.
Q1.3	Implementing an enforcement mechanism where companies fail to carry out due diligence as described.
Q1.4	Including in the duties of directors and company law obligations to avoid human rights impacts or “harms”.

Q2 Remedy

<i>Sources: UNGP 13a, 22-24 and 25-31; OECD Due Diligence Guidance for Responsible Business Conduct</i>

The Guiding Principles state that businesses should “avoid causing or contributing to adverse human rights impacts through their own activities”. When a company identifies it has caused or contributed to adverse impacts to human rights, it should provide for or co-operate in the remediation of the adverse impacts through legitimate processes intended to deliver effective remedy. And no other forms of seeking remedy should be prevented.	
Q2.1	Require companies to provide remedy for human rights impacts they have caused or contributed to.
Q2.2	Require companies to exert leverage on and/or provide support to their counterparties in the remediation of human rights impacts that are linked to company activities through their business relationships (e.g their value chains)
Q2.3	Require companies to provide grievance mechanisms for all stakeholders including those in the value chain.
Q2.4	Require companies to actively engage, consult and involve rights-holders (or their representatives) at all stages of the remediation process.
Q2.5	Enabling judicial enforcement with liability and compensation in case of harm caused by not fulfilling the due diligence obligations.
Q2.6	Enable and support effective remedy by allowing victims (or their representative) of the actions of subsidiaries outside the parent company’s home country to sue the parent company if victims are not able to find remedy in their own country.

Q3 Value chain human rights due diligence

<p><i>Sources: UNGP 14; UNGP 15; OECD Due Diligence Guidance for Responsible Business Conduct</i></p> <p>The UN Guiding Principle 14 asserts that businesses should have policies and processes in place that are proportionate to factors including size, sector, operational context, business structure, and the severity of the business' adverse human rights impacts. For a business to effectively manage the risks that their operations may cause, they need to understand the scale and scope of the problem they may face.</p> <p>In addition, the GPs also state that the Due Diligence should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.</p>	
Q3.1	Require companies to implement a due diligence process covering their value chain (upstream and downstream) to identify, prevent, mitigate and remediate human rights impacts and improve that practice over time.
Q3.2	Require assessment and additional action (e.g. capacity building or monitoring of suppliers) where the risks for severe human rights impacts are greatest.
Q3.3	Require that companies implement contract clauses and Code of Conduct with business partners (upstream and downstream) clarifying obligations to avoid and to address human rights harms.

Q4 Stakeholder engagement

<i>Sources: UNGP 18; OECD Due Diligence Guidance for Responsible Business Conduct</i>	
---	--

The UN Guiding Principle 18 states that ‘to enable business enterprises to assess their human rights impacts accurately, they should seek to understand the concerns of potentially affected stakeholders by consulting them directly in a manner that takes into account language and other potential barriers to effective engagement. In situations where such consultation is not possible, business enterprises should consider reasonable alternatives such as consulting credible, independent expert resources, including human rights defenders and others from civil society.’

The recognition of engagement with stakeholders and/or their legitimate representatives as a key element of human rights due diligence process is also highlighted in the OECD Guidance.

Q4.1	Require that companies identify their stakeholders (including vulnerable individuals, groups and communities) and their interests.
Q4.2	Require directors to establish and apply mechanisms or, where they already exist for employees for example, use existing information and consultation channels for engaging with stakeholders.
Q4.3	Require that human rights risks and impacts should be assessed through dialogue with stakeholder or with their legitimate representatives.
Q4.4	Require that action plans are developed in consultation with affected stakeholders.
Q4.5	Require that corporate directors should manage the human rights risks for the company in relation to stakeholders and their interest including on the long run.

Q5 Freedom of association and collective bargaining

Sources: The declaration on Fundamental Principles and Rights at Work; ILO Convention No. 87 (Article 5, Article 10, Article 11) & No. 98 on Freedom of association and the effective recognition of the right to collective bargaining.

Supporting the rights to exercise freedom of association and collective bargaining are fundamental rights. “These rights will enable workers to seek better working conditions and potentially be used as a powerful tool for engagement between employers’ and workers’ organisations to address economic and social concerns.”

Q5.1	Require companies to recognise the right to all workers, regardless of their employment status, to freely associate/organise and/or to bargain collectively.
Q5.2	Require companies to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.
Q5.3	Require companies to provide adequate protection to workers against any acts of retaliation or interference related to their exercising their right to FoA and CB.

Q6 Forced labour

Source: The declaration on Fundamental Principles and Rights at Work; The ILO Forced Convention No. 29 and the Abolition of Forced Labour Convention No. 105;

The ILO conventions states that “forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntary.”

Q6.1	Require companies to set requirements relevant to the prevention of forced or compulsory labour applicable to all workers and all sectors of the economy.
------	---

Q6.2	Require companies to support labour inspection services and other services responsible for the implementation of legislation aimed at abolition of forced or compulsory labour.
Q6.3	Require companies to promote and support initiatives that identify, protect, recover, rehabilitate, and empower victims and those at risk, regardless of their presence and legal status, including through access to remedy.
Q6.4	Implementing an enforcement mechanism where companies fail to implement measures to combat forced labour.

Q7 Child Labour

<i>Source: The declaration on Fundamental Principles and Rights at Work; The ILO Convention No. 138 & No. 182 on the Effective abolition of child labour.</i>	
Q7.1	Specify or make changes to the national minimum age for employment in line with the ILO conventions.
Q7.2	Define or change the existing definitions of child labour according to ILO convention 182.
Q7.3	Prohibit the engagement of children in all forms of child labour.
Q7.4	Provide the necessary and appropriate direct assistance for the removal of children from all forms of child labour and for their rehabilitation and social integration.
Q7.5	Implementing an enforcement mechanism where companies fail to implement measures to combat child labour.

Q8 Discrimination

<i>Source: ILO Equal Remuneration Convention No.100; ILO Discrimination Convention No. 111 on the Elimination of discrimination in respect of employment and occupation.</i>	
Q8.1	Require that companies implement policies and process that prohibit discrimination (gender pay/wage gap) in respect to all forms of employment and occupation.
Q8.2	Prohibit any distinction, exclusion or preferences made on the basis of race, colour, sex, religion opinion, national extraction or social origin.
Q8.3	Require the elimination of other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation..." [i.e., also includes other types of discrimination stemming from e.g., classification of workers as contractors vs employees].
Q8.4	Repeal any statutory provisions and modify any administrative instructions or practices which are discriminatory.

Q9 Health and Safety

<i>Source: ILO Promotional Framework for Occupational Safety and Health Convention (Convention 187); ILO Occupation Safety and Health Convention (Convention No. 155 article 4; article 2)</i>	
"the term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work."	
Q9.1	Require that health and safety is implemented for all workers and across companies' operations regardless of sector

Q9.2	Require that companies formulate, implement and periodically review policies on occupational safety, occupational health and the working environment.
Q9.3	Require companies to carry out consultations with representative organisations of employers and workers concerned to gather information on actual or potential adverse impacts.
Q9.4	Implementing an enforcement mechanism where companies fail to implement measures to combat health and safety breaches.

Disclaimer

This publication is intended to be for information purposes only and it is not intended as promotional material in any respect. The material is not to be used as investment advice or legal advice, nor is it intended as a solicitation for the purchase or sale of any financial instrument. It should not be taken as an endorsement or recommendation of any particular company or trade association. Whilst based on information believed to be reliable, no guarantee can be given that it is accurate or complete.

Companies and trade associations were selected to participate on the assessment according to their participation on the public consultation phases of the EU Corporate Sustainability Due Diligence Directive (CSDDD). The exception to this approach is the group of companies in the PRI Advance Initiative, a stewardship initiative for human rights and social issues.

All information used for the analysis of entities, are publicly available consultation responses to the CSDDD. We based the assessment on a limited dataset in time and looked at a small sample of indicators on our methodology. The findings on this report should not be considered representative of the current position of the entities represented on this report.

The assessment follows a set structure which is based on the SLM methodology. The awarding follows a five-point scale of +2, +1, 0, -1, -2 with the higher score being 'strongly supportive' and a lower score 'opposing'.⁵ We have informed all entities identified about their inclusion on this analysis. We also shared the research results and gave them an opportunity to comment prior to publication.

If any entity considers that the information about their organisation is inaccurate or misrepresented, we are willing to revise and update such information after the matter is brought to our attention. Any communication should be sent to us via email to social.lobbymax@eirifoundation.org.

While we strive for accuracy and objectivity while analysing the information, we also acknowledge that the information and materials on this report may contain typos and/or inaccuracies. We reserve the right to correct, change or improve the information and materials without any obligation to notify the entities.

⁵ For further details see the [benchmark methodology](#): "Appendix A: InfluenceMap's Scoring Benchmarks", specifically chapter "A.2 Scoring corporate lobbying against benchmarks" and tables 8 and 9 of chapter "A.3 Governmental Policy Benchmarks". Additional examples are listed in the following sections: A.6 Coal (Table 10), A.7 Natural (Table 12), A.8 Oil (Table 14), A.9 Nuclear (Table 16) and A.10 Renewables (Table 18).