

The role of the concept of diversity management in respecting human rights in an organisation

ABSTRACT

The aspect of human rights in managing organisations has been the topic of discussions for several years, both on the international arena and from the perspective of organisations. Historically, the prevailing view has been that norms pertaining to human rights have applications only in the activities of states (governments), and not in the private sector. Every organisation in every sector has both influence and responsibilities when it comes to human rights. However, applying policies, the proliferation of voluntary initiatives and the belief that every organisation is responsible for respecting human rights, are all indicative of progress. Nonetheless, they have not resulted in the complete upholding of human rights at organisations. The workforce throughout the entire world is becoming more diversified. There is a lot of diversity on all ethnic, cultural, religious, linguistic and age backgrounds. The diversity of human resources is not a new phenomenon. Globalisation requires more interaction between people from different cultures or even social groups than ever before. For this reason, organisations require more diversity to become more innovative. The aim of this article is to present the role of the concept of diversity management in respecting human rights at an organisation. The goal has been reached through literature analysis, observations of social change and economic practice, a review of foreign and domestic research as well as the author's own qualitative analysis of 50 strategies from international corporations. The conclusions from these analyses indicate that incorporating the concept of diversity management into companies and taking advantage of

it, fulfils the obligations of organisations to respect human rights. Companies are engaged and actively support equal opportunities, justice, social justice, two-way respect, diversity and dignity of all people; recognising that an employee/client has the right to participate, learn and work in an open and respectful environment, which promotes equal opportunities and is free of discrimination. Such an approach indicates that strategies pertaining to workforce strengthen the commitment on behalf of diversity, while at the same time respecting human rights.

Keyword: human rights, diversity in organization, diversity management

1. Introduction

Every organisation in every sector has influence and responsibility with regards to human rights. Obviously, organisations can have a positive or negative influence on an entire spectrum of issues regarding human rights in a positive or negative way, including discrimination, sexual abuse, health and security, freedom of assembly and creating workers' unions, rape, torture, freedom of speech, privacy, poverty, food and water, education and housing. An approach concerning human rights, requires an organisation to respect all human rights. There is no possibility of selecting and taking actions by organisations limited only to these issues, with which they feel comfortable with. The scope of human rights consists of a universally-recognised and focused on people approach to both the social and environmental impact of enterprises.

Historically, the prevailing view has been that norms pertaining to human rights have applications only in the activities of states (governments), and not in the private sector. Some companies have alleged that their only duty is respecting national laws, even if these regulations did not meet international standards for human rights. Of course, applying policies, the proliferation of voluntary initiatives and the belief that every organisation is responsible for respecting human rights are all indicative of progress. They have not, however, resulted in the complete upholding of human rights in organisations.

2. Human rights

Human rights are recognized as universally-applicable laws (which have the cause of action to be universally applicable), which means that they are reminiscent of norms solely of a moral character. J. Habermas (2009, pp. 191-193) observes that human rights “can be justified exclusively from the moral point of view” – “they regulate matters of such generality that moral arguments are sufficient for their justification”¹. According to W. Osiatyński (2011, pp. 10-15)², their fundamental, innate and privileged character rests on the basis that they need not to be justified: justifications are required for deviations from these rights.

In the beginning of the 20th century, it was up to the different states to decide whether to recognise human rights. There was not a single, universal and legally-binding catalogue of human rights. Human rights have been formally recognised as one of the priorities of the international community some 50 years ago, in December of 1948, when the Universal Declaration of Human Rights was adopted (Zielińska, 2007)³. Only then, did they become universal rules which applied to all aspects of human life. Since its conception, the United Nations Organisation has overseen the creation of legal regulations applying to human rights and undertook all efforts for these norms to become universally-applied law, rather than just being ethical guidelines. Propagating the respect for observing human rights and increasing the responsibility of entities and member states, constitutes a decisive step on the path towards enforcing the agreed upon standards and creating a global system of human rights. The most important documents, which have been signed by all EU member states, are the following:

1. *Universal Declaration of Human Rights* of 10 December 1948 (UN),
2. *Convention for the Protection of Human Rights and Fundamental Freedoms* of 4 November 1950 (amended by Protocols 3, 5, 8, 14 and supplemented by Protocol 2) (Dz. U. 1993 nr 61 poz. 284),

¹ J. Habermas, *Uwzględniając Innego. Studia do teorii politycznej*, Wyd. Naukowe PWN, Warszawa 2009, s. 191-193.

² W. Osiatyński, *Prawa człowieka i ich granice*, Społeczny Instytut Wydawniczy Znak, Kraków 2011, s. 10-15.

³ E. Zielińska, w: red. E. Gross-Gołacka, P. Kaczmarek, *Przewodnik dobrych praktyk. Firma Równych Szans*, UNDP, Warszawa 2007,

3. *UN Convention on the Elimination of All Forms of Discrimination Against Women*, adopted by the United Nations General Assembly on 18 December 1979 (Dz. U. z 1982 roku, Nr 10, poz. 72),
4. *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature in New York on 21 December 1966 (Dz. U. z 1969 roku, Nr 25, poz. 187),
5. *International Covenant on Economic, Social and Cultural Rights*, opened for signature in New York on 19 December 1966,
6. *International Covenant on Civil and Political Rights*, opened for signature in New York on 19 December 1966 (Dz. U. z 1977 roku, Nr, 38, poz. 167),
7. *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* of 25 November 1981, New York,
8. *Framework Convention for the Protection of National Minorities, prepared in Strasbourg on 1 February 1995* (Dz. U. z 2002r., nr 22, poz.209).

The Community Law of the European Union is, to a large extent, based on the achievements of the UN and the Council of Europe, expressed in the abovementioned documents. The respect for human dignity, freedom, democracy, equality, rule of law and human rights – these values have been contained in EU treaties since the beginning. The rights of EU citizens are listed in the Charter of Fundamental Rights of the European Union, which has been adopted in the year 2000 and has been binding for all EU member states since 2009. All of the main EU institutions – the European Commission, European Parliament and European Council – play a specific role in protecting human rights. The Charter of Fundamental Rights contains, in one document, the human rights binding for EU institutions and bodies, and applies to national governments, when those apply EU law. The citizens who wish to exercise their rights must file a case with the European Tribunal of Justice. The Charter is consistent with the European Convention of Human Rights, which has been ratified by all EU member states.

Moreover, Art. 2 of the Treaty on European Union states that: “(t)he Union is founded on the values of respect for human dignity, freedom, democracy,

equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

The fundamentals for defining rules, goals and priorities of the EU in the area of Human Rights and Democracy are delivered by the *EU Strategic Framework and Action Plan on Human Rights and Democracy*, a document adopted by the Council of the European Union on 25 June 2012. It sets the priorities for EU policy in the area of human rights for the next 10 years, including:

- promoting freedom of expression, opinion, assembly and association,
- working through multilateral institutions to promote human rights (e.g. the UN),
- combating all forms and instances of discrimination, especially those, which apply to women,
- combating death penalty to the full extent as well as torture, which constitute serious violations of human rights and human dignity,
- promoting a fair and impartial justice system,
- intensifying political and financial support for human rights defenders and stepping up efforts against all forms of reprisals,
- closer cooperation with the Council of Europe and Organisation for Security and Cooperation in Europe.

The Framework is the basis for developing and implementing actions both for the Union’s institutions and the respective member states. Supplementing the Framework is the Action Plan for the Union’s Activity on Human Rights. The aim of the Plan is to implement the Strategic Framework and to delineate the goals contained within. Tasked with the responsibility of meeting the respective goals outlined in the Plan, is the High Representative of the European Union for Foreign Affairs and Security Policy, which is supported by European External Action Service (EEAS), the Commission, the Council and member states (in accordance with the separation of competences, specified in the Treaty on European Union. Additionally, responsible for realizing the Plan, in accordance their mandate, is the EU Special Representative of the European Union for Human Rights. The plan has been binding since 31 December 2014.

When discussing human rights, it is also worth mentioning the UN Global Compact initiative⁴, which is based on ten universal rules concerning human rights, work standards, the environment and the fight against corruption (UN Global Compact. Communication on Progress, 2011, pp. 5). It has been approved by all 191 heads of states and governments of the United Nations and is legitimized by the consensual resolution of the General Assembly. The first two rules of the Global Compact have been taken from the Universal Declaration of Human Rights, which is the basis of the international human rights system. The second rule stipulates that businesses have to make sure that they are not complicit in human rights abuses.

Basically, the functioning of the human rights system means that even though the international system sets general standards for the protection of rights and freedoms of the citizen, it is the domestic system of a given state that delineates and concretizes it. In Poland, the fundamental legal document is the Constitution of the Republic of Poland.⁵ The right of equal treatment and the prohibition of discrimination are contained in Art. 32 and Art. 33 of the Constitution. The most general expression of this rule has found itself in Art. 32: *All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.* This means the right to be treated equally by public authorities – this rule has to be observed by the authorities. From this general rule also stems the prohibition of discriminating in political, social and economic discourse. Discrimination of this sorts cannot be justified by any means. The Constitution knows no exceptions nor deviations from the rule of equality. Furthermore, Art. 33 of the Constitution is an extension and delineation of the declarations contained in Art. 32. This article pertains to the equal treatment of women and men, underscoring that in Poland: *No one shall be discriminated against in political, social or economic life for any reason whatsoever.* This equality should find its full applications in the

⁴ *UN Global Compact. Communication on Progress 2011*, UN Global Compact, Rio Tinto 2012, s. 5.

⁵ Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. uchwalona przez Zgromadzenie Narodowe w dniu 2 kwietnia 1997 r., przyjęta przez Naród w referendum konstytucyjnym w dniu 25 maja 1997 r., podpisana przez Prezydenta Rzeczypospolitej Polskiej w dniu 16 lipca 1997 r. (Dz. U. 1997 nr 78 poz. 483 z późn.zm.).

day to day practices, hence the Constitution highlights different aspects of equality, which should mean it is binding not only in a formal manner, but also in practice.

3. Managing Diversity

The notion of diversity management has been (and still is) associated with equal treatment or preventing discrimination. In the literature on this topic there is a debate regarding the differences between diversity management and affirmative actions (AA)/equal employment opportunities (EEO). This is important, since these two approaches are completely different, and yet connected. Such an approach to equality and diversity has been evolving over the past 50 years. Nonetheless, the equal employment opportunity (EEO) and affirmative actions (AA) that took place in the '80s in the USA and later in EU states, were a response to the pro citizens' rights movements and liberal political philosophy. The traditional requirements of AA/EEO were based on social, moral and legal commitment.

Therefore, it is worth highlighting that AA/EEO policies were an important step in opening workplaces to diversity. On the other hand, they imposed limits on themselves and did not create an environment that could extract all of the potential from diversity. AA/EEO policies have significantly increased recruitment and employment of women in companies. According to M.E. Mor Barak⁶ (2011, pp.17–16), AA/EEO policies have drawn attention to diversity management, which had a significant impact on the development of this concept. Many companies are still bound to comply with AA/EEO policies and they are convinced that the programmes and processes of diversity management traverse compatibility with AA/EEO policies, since they are directly connected with matters pertaining to business results (Webb, 1997, pp. 159–169)⁷.

Generally speaking, diversity management is not concerned with giving preferential treatment or ensuring equal opportunities for members of a certain group (although this is a by-product), but its aim is

⁶ M.E. Mor Barak, *Managing Diversity. Toward a Globally Inclusive Workplace*, Sage Publications 2011, s. 17–26.

⁷ J. Webb, *The Politics of Equal Opportunity*, "Gender, Work and Organization" Nr 4(3), 1997, s. 159–169.

recognising that broadly-understood diversity increases the quality of the entire organisation. Discrimination, similarly to affirmation, is ultimately concerned with the individual: they are the ones that avail themselves of equal opportunity programmes. Diversity management typically has broader goals and means of improving organisational culture and applies to all employees. Initiatives of diversity management are “activities aimed at creating an environment, which naturally functions with regards for the needs of the entire group of diversified employees” (Thomas, 1992, pp. 308)⁸, and not just, for instance, women and minorities. L.B. Griggs⁹ (1995, pp. 1–14) notes that companies that have successfully functioned as employers respecting AA/EEO policies have observed that the diversified human capital, created by them, should be better managed to maximise the potential of human resources and increase their competitive advantage.

Thus, diversity management is not synonymous with equal opportunity policy. Although, diversity management and equal opportunity policy are presented as parallel phenomena, they are in fact two approaches with important differences. M. Özbilgin (2008, pp. 69)¹⁰ has stated that equal opportunities and diversity create a false dichotomy. Today, these two approaches, are quite similar, but not identical, and surely not complementary. Today, in the 21st century, organisations must focus not on realizing affirmative action (AA), equal employment opportunity (EEO) or only appreciating the differences, but approaching diversity as “a way of life”. M. Konrad, P. Prasad (2006, pp. 139–158)¹¹ point out that at its base, diversity is concerned with differences and inclusion. Moreover, diversity is much more than just equal opportunities for everyone – this concept means that in business, different people are appreciated, both employees and customers. The literature on this topic delivers many descriptions of diversity, one of which has been presented in Table 1.

⁸ R.R. Thomas Jr., *Managing diversity: A conceptual framework w: Diversity in the workplace*, red. S. E. Jackson, Guilford Press 1992, s. 308.

⁹ Griggs L.B., *Valuing diversity: Where from ...where to?*, w: *Valuing diversity: New tools for a new reality*, red. L. B. Griggs, L.L. Louw, McGraw-Hill 1995, s.1–14.

¹⁰ M. Özbilgin, A. Tatli, *Global Diversity Management: An Evidence-Based Approach*, Basingstoke and New York: Palgrave Macmillan 2008, s..

¹¹ *Handbook of Workplace Diversity*, red. A.M. Konrad, P. Prasad, J. Pringle, Sage Publications 2006.

Table 1. Diversity – from a human differences perspective

Categories and types of diversity	Types of diversity
Differences in the social category	race ethnic origin gender age religion sexual orientation physical fitness
Differences in knowledge and skills	education functional knowledge specialist knowledge (expertise) training sessions experience capabilities
Differences in values and perspective	cultural background worldview
Personality differences	cognitive style emotionality motivating factors
Differences in an organisation/society	seniority (work experience) function, position in a company's hierarchy, field etc.
Differences in social relations	relations at work friendships social connections group inclusion

Source: E. Mannix, M.A. Neale, *What Differences Make a Difference?*, "Psychological Science in the Public Interest" Vol. 6(2), 2005, pp. 31–55.

Generally speaking, based on the conducted analysis of the definition of diversity, one can distinguish four areas, which should be included in every approach to diversity from a workplace perspective. These are the following (Gross-Gołacka, 2017, pp. 195):

1. Accepting that the concept of diversity covers a wide range of differences between employees, including age, disability, education level, ethnic origin, family structure, position, geographical location, race, religion,

- sexual orientation, style and values, both visible and invisible (the effect will be a wide and universal approach);
2. An aspect of diversity related to the means through which the individual and organisation are influenced;
 3. Including the requirements for cultural change in an organisation, for instance, management style, human resources management system, philosophy and approach;
 4. Putting emphasis on the perception of the concept of diversity, as something that extends beyond race, gender, affirmative action (AA) and equal employment opportunity (EEO), including the business aspect (costs and benefits)¹².

Diversity management should be defined as broadly as possible and understood as a systematic activity of a company, aimed at engaging diversified human resources in the company's activity and treating them as a strategic advantage. Therefore, diversity in an organisation ought to be an added value and it is necessary to manage it in a manner that is integral with the organisational structure. Under this pragmatic approach, managers are neither afraid of human differences nor perceive them as a threat, but approach them as an area for developing competences, innovation and creativity for the purpose of achieving the best possible results for the company in the organisation (Gross-Gołacka, 2017, pp. 155)¹³.

4. Human rights and managing diversity as an element of company strategy

In contemporary globalized organisations, both in the public and private sector, it is necessary to attract and retain a diversified workforce to utilize its diverse knowledge, skills and capabilities. Diversity among employees fulfils both economic and social goals, increasing the capabilities of employees that are underrepresented. In order to generate innovation and create new value, it is necessary for enterprises to take full advantage of the

¹² E. Gross-Gołacka, *Zarządzanie różnorodnością. W kierunku zróżnicowanych zasobów ludzkich w organizacji*, Difin 2017 (w druku).

¹³ E. Gross-Gołacka, *Zarządzanie różnorodnością. W kierunku zróżnicowanych zasobów ludzkich w organizacji*, Difin 2017 (w druku).

capabilities of human resources, which have diversified values and ideas, while promoting their diversity. In Japan, efforts are undertaken to, for instance, support women's careers and promote the exchange of personnel between global headquarters. Mutual respect and understanding between people of different nationality, age, gender, culture, traditions etc., is the foundation of diversity.

In the context of the arguments presented above, a question arises as to whether taking actions aimed at respecting human rights can be beneficial for an organisation from a financial point of view? Why should the ones in charge of a company be interested in human rights? More and more often the answer is yes, however this is not always the case, and most likely not immediately. Dealing with human rights can function as a radar or an early warning system. It allows for identifying potential problems and solving them, before they become more serious and expensive. Focusing on human rights can also improve the relationships with clients and the reputation as well as increase the satisfaction that employees receive from their work, which has a positive influence on efficiency and effectiveness. It can help to avoid additional costs resulting from attracting and maintaining the proper human resources, gaining acceptance or overcoming opposition for new business ideas, which some personnel may have. It could be the case that some clients expect information on how to manage different issues in a company, including human resources.

5. Good practices

Without a doubt, organisations/companies are the main entities contributing to economic development all over the world, and considering the approach to human development, they help to reinforce global human rights (Human Rights Translated: A Business Reference Guide, 2008, p. 7)¹⁴. An increasing number of companies show respect for human rights through respecting international standards for human rights in frames of their core business practices. An analysis of the key international

¹⁴ *Human Rights Translated: A Business Reference Guide*, Castan Centre for Human Rights Law, International Business Leaders Forum, and Office of the United Nations High Commissioner for Human Rights, 2008, s. 7.

organisations, allows one to observe that the issues pertaining to human rights and/or managing diversified human resources in an organisation are an element of the activity of the companies in question. Fifty strategic documents have been analysed, which contained the activities of organisations in the area of human rights, which were available on official websites of international corporations from all over the world. It must be observed that every single one of these companies have strategic documents, which contain guidelines relating to the topic in question as well as good practices¹⁵. Examples of the activity of companies in observing human rights have been presented below:

Hitachi Construction Machinery

The awareness of human rights is developed throughout the entire enterprise. A dedicated human rights Hitachi Construction Machinery group has been formed. Its goal is to promote diversity as well as to plan and monitor the undertaken activities. The activities are focused on promoting human rights education and preventing both child labour and forced labour. The company is guided by and observes international standards related to human rights, including the freedom of unionizing, rights for action-case lawsuits, preventing child labour and forced labour as well as discrimination against position and occupation. In 2010, the Hitachi Construction Machinery company created its own training material on the topic of diversity and provided an e-learning platform. Workshops on diversity were held (for working women) as well as seminars on life-work balance. At Hitachi Construction Machinery company, human rights are discussed during basic education delivered by the Centre for Career Development, whereas education on human rights is included in training sessions for all new employees, new heads and managers. The company respects the human rights of all interested parties, including clients, suppliers, employees etc¹⁶.

Sharp

¹⁵ Por. *Embedding Human rights in Business Practice*, United nation Global Compact, 2009, p. 10-80.

¹⁶ Oficjalna strona Hitachi Construction Machinery, <https://www.hitachicm.com/global/environment-csr/csr-en/people-en/viewpoint02-en/> (23.05.2017 r.)

Similarly, Sharp undertakes actions aimed at respecting human rights and diversity. In its strategic documents, it holds that increased business globalisation significantly increases the number of opportunities for cooperation between employees of different cultures and with different behaviours. As such, the company must pay attention to a more diversified and complex range of human rights. At Sharp, diversity management is an important task, since it considers the active promotion of capable personnel to be of an essential importance – irrespective of factors such as nationality, gender or age. The goal at Sharp is to provide more innovative, added values for products and services through increasing the capabilities and motivations of workers and adding vitality to the organisation through promoting diversity. Among its defined goals, Sharp has included the following: increasing the share of female employees to 5% by 2018, maintaining the index of employing physically or mentally disabled personnel at 2.3%, preventing sexual harassment, which is verified by the level of satisfaction among employees regarding their workplace and superiors, in questionnaires. Sharp, in its mid-term management strategy for 2015–2017, included core activities aimed at reforming human resources in order to select and obtain highly-skilled human resources, irrespective of factors such as nationality, gender or age. Sharp has once again put the emphasis on respecting human rights and managing diversity among its meaningful development strategies¹⁷.

Kyocera

Kyocera is yet another example. In order to increase the awareness of its employees in the area of human rights and workplace rights, meetings are held, which are concerned with workplace requirements, which has been mentioned in the so-called *Guidelines for Kyocera Employees*. Moreover, HR departments carry out independent controls of legal abuse, such as discrimination, proper levels of salaries and managing workhours according to labour laws and regulations, internal rules, and work contracts. Audit units regularly conduct audits to ensure lawfulness. Kyocera believes that promoting women's progress is an important

¹⁷ Oficjalna strona firmy Sharp, http://www.sharp-world.com/corporate/eco/ssr/csr_strategy/materiality/focus_2/ (22.05.2017 r.)

element of management and has been involved in it since 2006. Kyocera is also focused on employing people with disabilities and continuing their employment. Workers with disabilities, who are employed by Kyocera, are selected in such a way, so that they can apply their abilities in the given tasks. For instance, the percentage of disabled workers in Kyocera in 2016 was equal to 2.08%. The company also supports maintaining a balance between work and family life. A benefit system has been put in place to support workers with children. Kyocera has also got a programme for expecting parents with fewer working days that is available for them until the third grade of primary school. As of March, 31st 2016, 272 employees were benefiting from this programme. The Kyocera Group believes that it is necessary to maintain the employees' relations with their families, as it helps to build trust among them. An important element of the company's activity are regular opinion questionnaires for all employees. The polls focus on issues such as the level of satisfaction with work and the environment, management, the level of trust towards the company and suggestions regarding improvements. Generally, the goal of the company in Europe, the USA, China and other countries is to maintain the proper work relations through fundamental consultations regarding work management, according to the labour law of the different states. The work environment and the quality of management are, according to the company, on the same axis and they are key for a successful work attitude. Maintaining this position is supposed to help with solving problems at work and keep the company on a path towards sustainable development¹⁸.

CITI Group

Citi Group supports the protection and enforcement of human rights all around the world with regards to some 200 million client accounts and 231,100 employees in over 100 countries. Citi is also a signatory of the UN Global Compact. Citi's engagement in respecting human rights at work is part of the company's Code of Conduct and policies as well as practices involving human resources. These rules specify, among other things, the issues of promoting a diversified work force and zero tolerance for

¹⁸ Oficjalna strona firmy Kyocera, http://global.kyocera.com/ecology/human_rights.html (22.05.17).

unlawful discrimination and sexual harassment. Among the company's goals is also maintaining an ethical work environment, which mirrors the fundamental values of the company. Citi shares its position on human rights with its employees and expects them to meet these standards. Employees have phone access to the so-called *Ethics Hotline*, which can be used by employees to voice their concerns, questions or complaints. With regards to its suppliers, Citi tries to observe human rights through building a supply chain based on adopted values and rules. Citi's status as a global bank allows it to promote a natural and social environment, worldwide responsibility and respect for human rights through client orders and due diligence¹⁹. Thanks to its activities in over 100 countries, Citi is well-prepared for constructive influence in the area of human rights in countries, in which its business is present. The company acknowledges that the rights in different countries where business is done, differ from some international human rights standards. In such cases, Citi looks for ways of propagating respect for human rights in a manner that is consistent with its internal rules and standards, while at the same time taking into account the local context. Additionally, the strategy in each country, where Citi is present, is carefully assessed, so that the company can achieve this goal while maintaining high ethical standards²⁰.

Sony

The Code of Conduct of the Sony Group, which has been published in May of 2003, contains articles pertaining to respect for human rights and delineates global policies, which lead to rules and actions relevant to human rights at the Sony Group. An article from the Code regarding equal employment opportunities sets the Group's policy in terms of recruitment, employment, training, promoting and treating people applying for membership and employees in a different way, irrespective of the traits not related to the activity of the enterprise, including race, religion, skin colour, nationality, age, gender and physical limitations. These regulations

¹⁹ Por. *The "State of Play" of Human Rights Due Diligence Anticipating the next five years Volume One: General Overview*, Institute for Human Rights and Business (IHRB), 2011.

²⁰ Oficjalna strona internetowa Citi Group, http://www.citigroup.com/citi/citizen/data/citi_statement_on_human_rights.pdf (22.05.2017).

are based on existing international standards, including the UN Universal Declaration of Human Rights. All companies from the Sony Group have Diversity Committees, tasked with discussing unresolved issues and hold workshops on human rights, diversity and other issues relevant to the topic²¹.

It is worth mentioning the fact that the above-mentioned actions of companies relating to respecting human rights and/or promoting diversified human resources, can be of different characters. Several processes exist, which can incorporate human rights issues. These can be, for instance, a risk management system, healthcare and security system, environmental and social impact assessments or diversity management systems. Supply-chain management systems also have to be taken into consideration in order to reflect the expectations of suppliers in terms of respecting human rights. Some management certificates such as ISO 9001, ISO 14001, OHSAS 18001 or SA8000, require processes, which could be improved to include a negative-factor impact assessment on all human rights. Moreover, the ISO 26000 norm on social responsibility includes a chapter devoted to responsibility for respecting human rights. When complex processes and systems contributing to respecting human rights are discussed, mostly by international corporations, a question arises, namely: are human rights only relevant to large companies? The answer is: obviously, no. Organisations of all sizes can have a negative impact on human rights. The dangers that a company may be subject to, are influenced by many factors, including the place where it is active, with whom it cooperates and with whom it does business. However, just because a given organisation is a small enterprise, does not mean that it is not prone to dangers regarding human rights or the necessity to respect them²².

The need for developing guidelines by the analysed companies, resulted from the obvious fact of the influence that business entities have on the state of respect for human rights. This influence can manifest itself in several different ways. Firstly, their activity cannot lead to infringement of rights and freedoms of people employed by them. Such infringements can take the form of sexual harassment of employees, discriminating

²¹ Oficjalna strona internetowa Sony Group, https://www.sony.net/SonyInfo/csr_report/employees/diversity/index2.html (22.05.2017).

²² *My business and human rights. A guide to human rights for small and medium-sized enterprises*, European Commission 2015.

against them, not respecting their right to privacy, breaching fundamental occupational health and safety rules, not respecting labour regulations regarding working hours and minimal wage, taking advantage of slavery etc. Secondly, economic entities can be in violation of rights of other persons, who are affected by their activity, for instance, through contaminating the natural environment, which leads to negative health consequences for people living in the area of their activity or in violation of data privacy of their clients. Thirdly, business entities can support authoritarian and totalitarian regimes through, for instance, trading arms (Biznes i prawa człowieka: czas na pragmatyzm, 2013, p. 1–2)²³.

Some companies even go one step further, and decide to subject their human rights activities to an external audit. Such an external audit is one of the conditions for them to be listed in the stock indexes of companies that observe CSR norms, present on stock exchange markets. Being included in such an index, on the one hand, influences the reputation of the enterprise, which results in an improvement in the financial results of the corporation. On the other hand, it is also an indicator for mass stockholders and investment funds interested in reinforcing the social aspect of investments (Biznes a prawa człowieka – współczesny stan dyskusji, 2017, pp. 7)²⁴.

6. Summary

An increasing number of companies are becoming aware of their contribution, which they can achieve in promoting human rights on the level of influence and benefits, which can be attained under such an approach for their companies and environment. Although human rights are still the main responsibility of governments, companies can do a lot in terms of their own activity to support and observe human rights. Activity relating to human rights can make sense in business terms, but it is also advisable and ethical

²³ Por. Forum Odpowiedzialnego Biznesu, *Biznes i prawa człowieka: czas na pragmatyzm*, Analiza tematyczna nr 1/2013, s. 1–2, dostępne na: http://odpowiedzialnybiznes.pl/wp-content/uploads/2014/04/analiza-tematyczna_1_2013_prawa_czlowieka1.pdf (dostęp: 1.11.2016).

²⁴ *Biznes a prawa człowieka – współczesny stan dyskusji*, red. A. Płoszka, Helsińska Fundacja Praw Człowieka i Polska Rada Biznesu, Warszawa 2017, s. 7.

(Ruggie, 2007, pp. 819–840)²⁵. The relationship between the functioning of an organisation and human rights has become more visible over the course of the last several years. On the one hand, it can be observed in the development of legal instruments, which has been on-going for the last ten-twenty years and which creates an obligation for entities to respect human rights, while also bringing enterprises to justice for human right infringements caused by them. On the other hand, increasingly more often organisations seek protection from government abuse through human rights. Referencing the “sword and shield” metaphor, which commonly appears in human rights sciences, human rights can, on the one hand, constitute a shield that protects from abuses by organisations, and, on the other hand, a sword acting as a weapon in the organisation’s relation to the state (Biznes a prawa człowieka – współczesny stan dyskusji, 2017, pp. 7).²⁶

Human rights are one of the most difficult areas of corporate responsibility for companies to handle. Tools and guidelines for human rights are required (A Guide for Integrating Human Rights into Business Management, 2006, pp. 4–8).²⁷ But it is also important to understand the business justification in terms of decision-making in this area. Knowledge and innovations, now more than ever, are of crucial importance for ensuring competitiveness in a globalised economy. The demographics in Europe are changing and hence the continent has to tackle low birth rate, an aging population and a shrinking workforce. This means that companies have to take a smarter approach to recruitment to find the right talent that meets the outlined requirements and retain employees within the organisation. It is therefore important to begin mapping the diversity strategy – to be able to realise this strategy. The benefits, which diversified human resources can bring to an organisation in the future, are incontestable. Moreover, companies and clients are increasingly more diversified and have higher requirements. Diversified human resources in organisations are a deeper source of knowledge, abilities, life experience,

²⁵ J. G. Ruggie, *Business and Human Rights: The Evolving International Agenda*, “American Journal of International Law” Vol. 101, Issue 4, 2007, p. 819–840.

²⁶ *Biznes a prawa człowieka – współczesny stan dyskusji*, red. A. Płoszka, Helsińska Fundacja Praw Człowieka i Polska Rada Biznesu, Warszawa 2017, s. 6.

²⁷ *A Guide for Integrating Human Rights into Business Management*, Business Leaders Initiative on Human Rights, 2016, s. 4–8.

perspectives and specialist knowledge. Diversity management, irrespective of the level of a country's development, political system, the area, in which the organisation is active, requires a proactive approach and justification for any actions taken, which include fundamental reasons, but also the pragmatic ones.

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