

A DanWatch analysis of how
Denmark's biggest consulting
engineers address human rights
in policy and practice

Human rights at construction sites



September 2012

DanWatch

Content

1. Introduction & methodology

2. Key findings

3. Addressing human rights in CSR policies

4. High risk – no thanks!

5. Obligation to act – but not much action

6. A difficult task for the employees

7. In case of human rights violations

8. How to ensure remediation for victims of violations?

DANWATCH
SEPTEMBER 2012

This is an independent DanWatch study conducted in accordance with DanWatch's ethical guidelines and international principles on the conduct of journalists. DanWatch is fully responsible for the contents of the study.

DanWatch is an independent non-profit research center and media that investigates corporations' impact on humans and the environment globally. DanWatch provides the public, consumers and policy makers with new information about companies' global impact and social responsibility through journalistic multimedia stories that communicate complex information in an accessible way.

Author:
Johan Seidenfaden

Editor:
Peter Bengtsen

Translation:
Christopher Johanson

Introduction & methodology

In February 2011 DanWatch revealed that Denmark's biggest consulting engineer, Rambøll, was involved with construction companies in Dubai that exposed migrant workers to what experts call 'modern slaves'^I. Modern slavery entails having one's passport confiscated, incurring enormous debt to get a job, contracts which change between departure and arrival, being locked to one employer, undermining the freedom of association, and inhumane living conditions.

The story was taken up by other media, especially the newspaper Ingeniøren. Henrik Garver, Managing Director of the Danish Association of Consulting Engineers, was "worried that more of such stories will surface as the trade increases its international engagement." He also believed that the story on Rambøll "shows a new type a challenge for consulting engineering firms: What position do we take on the ethics of our clients and partners – and their clients and partners?"^{II}

In this report DanWatch wants to give Denmark's four largest consulting engineers, Rambøll, Cowi, Grontmij and Niras, an opportunity to speak. How have they attempted to answer the question posed by the managing director of their trade association one year ago?

^I <http://danwatch.dk/da/artikler/ramboell-partnere-bruger-slavearbejde/4> published 21st of February 2011.

^{II} <http://ing.dk/artikel/116726-fri-slavearbejde-hos-ramboell-partnere-boer-foere-til-nye-etiske-retning-slinjer> published 22nd of February 2011.

Already in June 2011 Rambøll announced in Ingeniøren that the firm had made it grounds for dismissal when employees fail to report human rights violations that they have discovered. But did the story prompt the four firms to make other changes? If so, what are their experiences with the new, 'tougher' practice?

All four companies subscribes to the UN Global Compact stating that companies should support and respect the protection of internationally proclaimed human rights and make sure that they are not complicit in human rights abuses.

METHODOLOGY

The main chapter of the report consists of a thematic analysis of interviews with a spokesperson from one of the four biggest consulting engineering firms:

Jens-Peter Saul,
CEO, Rambøll

Annemarie Meisling,
Group Sustainability Director, Cowi

Søren Vestergaard Andersen,
Director of Business Process Management,
Grontmij

Claus Jørgensen,
International Market Director Niras

The same interview template (appendix 1) was used for all four interviews. Subsequently we have thematised the analysis on basis of identifiable differences between the four replies.

The aim was to conduct face-to-face interviews, but in two cases – Rambøll and Cowi – the firms insisted that the interviews should be conducted in writing. Rambøll did not respond when DanWatch encouraged the firm to account for why it did not want to be interviewed in person, but a spokesperson explained over the phone that the topic is very complex and that misunderstandings could easily arise. Cowi insisted on an email interview "in order to co-ordinate the answers between the CSR Manager and the SVP for the Middle East." Cowi offered a face-to-face interview in the Middle East with these two persons present, but DanWatch was not able to participate in such an interview.

We regard this behaviour as a sign of caution, but as a media organisation we also regard it as an attempt to control the interview in a way that restricts the ability of the media to access and gain insights into the company's practices. On the other hand, we must praise Grontmij and Niras for inviting us inside – as Director of Business Process Management Søren Vestergaard Andersen says when he explains Grontmij's strategy: "It's all about sending signals: Openness and 'we want this'."

The report has been somewhat hampered by the limited possibility to ask questions about the replies made via email.

It should also be mentioned that the face-to-face interviews were conducted in Danish and that the translations were made by DanWatch and subsequently approved by the interviewees.

Key findings

1. The four major engineering companies try to avoid projects where risks (e.g. of human rights violations) are highest.
2. Cowi, Rambøll and Grontmij include human rights in screening processes of new partnerships, whereas Niras does not.
3. A preliminary screening process has its limits, Grontmij admits.
4. All four companies have made it mandatory for employees to report human rights violations.
5. Rambøll has systematized the ongoing monitoring process. Niras has not, but calls for guidelines.
6. None of the companies can – or want to – list examples of reports filed by employees concerning human rights violations.
7. All companies acknowledge that it can be challenging for employees to identify human rights violations.
8. Employees cannot count on training in identifying human rights violations.
9. The companies provide very few examples of how the dialogue proceeds with partners having come into conflict with the UN Global Compact.
10. All four companies claim that they would not hesitate to address a human rights violation – either with a partner or a partner’s client.
11. Dialogue with partners/clients is given higher priority than pulling out of the project. Only Niras prefers to pull out quickly, if the company’s reputation is at risk while such dialogue is going on.
12. The obligation to ensure access to remedies to those who have been wronged seems to be only partially acknowledged and implemented.
13. None of the companies provide examples of how they have participated in such processes to ensure access to remedies.

Addressing human rights in CSR policies

All four companies mention respect for human rights as a key aspect of their CSR efforts, but how the companies describe concrete efforts towards respect for human rights differs.

Information available to the public about these efforts are found in the companies' Code of Conduct, Code of Practice and reportings on CSR.

Of the four companies, Rambøll and Cowi has the most elaborated descriptions of awareness towards human rights and how to address human rights issues, including forced labour and slavery-like practices.

From not having any real focus on human rights issues related to forced labour and slavery-like practices in their annual reportings to the UN Global Compact, Rambøll and Cowi quite specifically address such issues in their annual reportings covering the year 2011.^I

RAMBØLL

Rambøll explicitly address respect for human rights in the company Code of Conduct, Code of Practice and reportings to UN Global Compact.

In 2011, Rambøll launched a new policy, the 'Obligation to act'. According to Rambøll, the purpose is to adopt a more proactive and sys-

^I A note on CSR concepts used by the companies to address human rights: Rambøll no longer uses the term 'CSR' but now uses the term 'CR' for Corporate Responsibility - a change that seems to have happened between 2011 and 2012. Grontmij also uses the term 'CR'. Cowi also does not use the term 'CSR' but 'sustainability' as the overall concept. For Niras the central term is 'CSR'.

tematic approach towards customers and business partners regarding violations of the companies' Code of Conduct, including human rights.

"If, through any of our projects, we encounter problematic circumstances of a professional or business ethical nature – including matters concerning human rights - it is always our duty to actively make our customer or business partner aware of this. If we find that the actions taken do not live up to our expectations, we have to reconsider the basis for further collaboration with the customer or business partner. Our experience from Dubai has given us reason to establish a more systematic approach in relation to issues concerning human rights."^{II}

All employees are expected to act, if any possible human rights violations are observed, as stated in the company's recently updated Code of Practice:

"All employees are accountable and under an obligation to raise any issue of doubts with their management for clarification and decision."

Furthermore, Rambøll states about its Code of Conduct that not only suppliers are expected to respect human rights, but partners in joint ventures and collaborations are also expected so.

"Our Code of Conduct shall also apply to our participation in joint operations, and we seek

^{II} Rambøll (2012): CSR Report 2011, <http://www.Rambøll.dk/about%20us/~media/E996C-C60E506453D91B666A5F6FD9038.ashx>

UN Global Compact

The UN Global Compact is an initiative for companies that wish to commit themselves to aligning their operations and strategies with 10 universally accepted principles in the areas of human rights, labour rights, environment and anti-corruption.

The principles about human rights and labour rights are based on the The Universal Declaration of Human Rights and The International Labour Organization's Declaration on Fundamental Principles and Rights at Work.

UN GLOBAL COMPACT, PRINCIPLE 2:

"Businesses should make sure they are not complicit in human rights abuses."

Complicity is generally made up of two elements:

- An act or omission (failure to act) by a company, or individual representing a company, that "helps" (facilitates, legitimizes, assists, encourages, etc.) another, in some way, to carry out a human rights abuse

- The knowledge by the company that its act or omission could provide such help.

to ensure that our joint venture partners adopt commitments similar to our own in connection with joint projects.^{III}

"Each of our collaboration partners has to demonstrate to our satisfaction that it adheres to a documented Code of Conduct and associated compliance programme. Alternatively, the partner must confirm its agreement to the principles of our own Code of Conduct annually."^{IV}

COWI

COWI has several policies and reportings covering social responsibility. Most elaborated regarding human and labour rights is the 'Communication on Progress Report' from 2011 that all companies participating in the UN Global Compact must publish annually.

From not having explicitly initiatives on how to address human rights violations in the 2010-reporting to UN Global Compact, migrant labour is the key challenge in 2011 according to COWI:

"The main risk of human rights abuses most often lies outside our sphere of influence. Within our industry, we see the main risk of human rights abuses in countries where migrant labour is used during construction."^V

^{III} Rambøll (2012): Code of Practice, http://www.Rambøll.dk/about%20us/~media/Files/RGR/Documents/Code_of_Conduct/Code%20of%20practice_april

^{IV} Rambøll (2012): Code of Conduct, http://www.Rambøll.dk/about%20us/~media/Files/RGR/Documents/Code_of_Conduct/Code%20of%20practice_april%202012.ashx

^V Cowi (2012): Communication on Progress, UN Glob-

al Compact, Cowi 2011, http://www.unglobalcompact.org/system/attachments/14425/original/2012_Communication_on_Progress.pdf?1331299108

"If we are in charge of health and safety supervision during the construction phase of the project, we have a chance to influence the human and labour rights conditions at the construction site and act if they are not aligned with national and international ratified legislation."

"If we are not in charge of any supervision of the project, we do not necessarily have access to the building site, and as such are not aware of the human rights or labour rights standards. We do, however, make our employees aware that they have an obligation to act and inform their manager if they see human rights violations on projects that we are only indirectly involved in as sub-consultant."^{VI}

As a key activity in 2011, COWI developed an employee manual, which states that employees have an obligation to act and inform their manager if they find human rights abuses on projects they are involved in. The obligation covers also projects in which Cowi is only indirectly involved in:

"This obligation covers both our own projects, as well as projects that we are only indirectly

involved in as sub-consultants."^{VII}

^{VI} Cowi (2012): Communication on Progress, UN Global Compact, Cowi 2011, http://www.unglobalcompact.org/system/attachments/14425/original/2012_Communication_on_Progress.pdf?1331299108

UN Guiding Principles

In 2011, The so-called UN Guiding Principles on Business and Human Rights were adopted. The Guiding Principles clarify the meaning of the corporate responsibility to respect human rights, which is a key component of Global Compact.

In order to ensure respect for human rights, companies need to have the following in place, whether they are committed to the UN Global Compact or not:

Policy commitment: A policy on how the company respect for human rights take place

Due diligence: A process on how to identify and use the leverage of the company to prevent human rights violations

Remediation: A process on how the company work to ensure access to remedies for victims of human rights violations

involved in as sub-consultants."^{VII}

^{VII} Cowi (2012): Communication on Progress, UN Global Compact, Cowi 2011, http://www.unglobalcompact.org/system/attachments/14425/original/2012_Communication_on_Progress.pdf?1331299108

GRONTMIJ

While Grontmij ensures its full support to the aims and objectives of the Global Compact, including human rights issues, the only human rights aspect explicitly mentioned in the last three years of reportings on progress to the UN Global Compact is anti-discrimination.

The Grontmij website states that since the company started monitoring this in January 2008 until December 2011, no infringements of any human rights code or anti-discriminatory code of practice has been registered.

NIRAS

Niras' statements in CSR policies and reportings on human rights are limited. Niras pledges ongoing support for the UN Universal Declaration of Human Rights, which is further defined in a Code of Conduct not available on the company website.

"Especially when working in developing countries, our project managers on international projects are specifically informed about NIRAS' participation in the United Nations Global Compact, its principles and the implications of this participation."

"We have further developed our fundamentals by defining a code of conduct for the way in which we act and interact in order to live up to our mission and values."^{VIII}

^{VIII} Niras (2012): Communication on Progress 2011, <http://www.niras.dk/Om-NIRAS/Samfundsansvarlighed/~media/Files/NIRAS-COM/About-NIRAS/Communication-on-Progress-2011-NIRAS.ashx>

High risk – no thanks!

The companies try to avoid projects where the risk (e.g. of human rights violations) is highest.

Today Cowi, Rambøll and Grontmij include human rights in their screening processes, whereas Niras does not.

A preliminary screening process has its limits, Grontmij admits.

Annemarie Meisling (Cowi), Søren Vestergaard Andersen (Grontmij) and Jens-Peter Saul (Rambøll) stress that they screen or conduct so-called due diligence processes before getting involved in a project. They have also started to screen for human rights violations (which was not done when DanWatch asked Rambøll a year ago^I) – thereby the riskiest projects are avoided.

Before bidding on projects, COWI initiates a due diligence process by screening projects for potential risks, including human rights risks in the supply chain. Based on the due diligence process, COWI will decide whether to bid or not bid on the project.

ANNEMARIE MEISLING, COWI

Annemarie Meisling (Cowi) does not specify further what they screen for. Søren Vestergaard Andersen (Grontmij) cites freedom of association, collective bargaining, right to strike, forced labour and child labour as examples. He emphasises that the company sorts out certain countries and companies beforehand in order to avoid the riskiest projects.

It is very important for us to minimise such risks in our entire business model. Of course, if you choose to be in the Middle East or other places where human rights issues can occur, you are making yourself vulnerable. If so you need different guidelines and procedures in your organization than if you only operate in Denmark. For this reason we have decided that there are parts

^I <http://danwatch.dk/da/artikler/ramboell-partnere-bruger-slavearbejde/4> published 21st of February 2011.

Screening may solve some of it, but screening is based on factual information from different sources. We are therefore dependent on the individual employee to act in an integer manner.

SØREN VESTERGAARD ANDERSEN,
GRONTMIJ

of the world that we don't want to be in, and we thoroughly screen places we do want to be in.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

Claus Jørgensen (Niras) admits that Niras lacks a systematic preliminary screening process for human rights violations. He explains that the company's overseas activities consist of development aid and work, and that Niras assumes Danida has screened and approved the project.

Søren Vestergaard Andersen (Grontmij), too, points out that the risks vary according to client type.

When working with these things (in countries or areas with higher risk, ed.), we choose to primarily work for internationally recognized donors, so it's typically Danida, the EU, the World Bank and others with heavily regulated condi-

tions. We do not get involved with private clients, if they are impossible to control.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

Screening and due diligence processes are highlighted as perhaps the most important risk filter for human rights violations, but also having limits.

Screening may solve some of it, but screening is based on factual information from different sources^{II}. We are therefore dependent on the individual employee to act in an integer manner.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

The responsibilities of employees is the theme of the following section.

^{II} Grontmij mention the following sources: Human Rights, Danish Institute for Human Rights, Business and Human Rights Organisation, but add that you can use any source during this process.

Obligation to act – but not much action

All four companies have made it mandatory for employees to report human rights violations.

Rambøll has systematised the ongoing monitoring process. Niras has not but calls for guidelines.

Niras stresses that there are limits to how investigative an employee can be.

None of the companies can – or want to – list examples of reports filed by employees concerning human rights violations.

If the company has first chosen to engage in a project, individual employees are obligated to watch for and react in case of human rights violations. All companies have made this clear to the employees.

We have an overall company policy addressing our obligation to act when unacceptable business behaviour is identified.

JENS-PETER SAUL, RAMBØLL

We announce it extensively to our employees. It can be found on our portal (intranet, ed.), among other places, which everyone must log into and use. There is a guideline on what values NIRAS has and how we are to live up to these values. And one of the values is to comply with the rules laid out in the Global Compact.

CLAUS JØRGENSEN, NIRAS

It is part of all employees' contracts (to make reports, ed.) We have an integrity portal on our intranet, where they can read the requirements and reporting procedures. In practice, our HR Director is the one to go to. We have selected a person which is independent from commercial decisions. We have a whistleblowing process all the way up through our organization, so at the final level you can contact the chairman of the board.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

It is worth noting that Jens-Peter Saul (Rambøll) is the only one to refer to and document a specific method concerning the ongoing monitoring (i.e. after the screening phase) of human rights:

We are not going to go around, saying: "So, where do the workers live? We have to check whether they are doing well or poorly." Because we aren't trained to do that.

CLAUS JØRGENSEN, NIRAS

We have incorporated a method for identifying potential Human Rights violations in our risk assessment procedure on projects which is an integrated part of our quality management systems. Besides Human Rights the method also includes labour rights, the environment and anti-corruption. [...] If we identify Human Rights violations or high risk of violations on a project this is documented in a specific risk assessment CR file. This document is maintained and reviewed during the project and also documents preventive actions dialogue, and follow up.

JENS-PETER SAUL, RAMBØLL

Claus Jørgensen (Niras) proposes that the UN Global Compact works out a 'check-list' for this purpose.

We haven't systematized it. We don't have such a check-list. You could say that we ought to – or maybe the UN Global Compact should provide such a list.

CLAUS JØRGENSEN, NIRAS

Cited from COWI's internal Handbook on Sustainability and CSR

"Obligation to act: If you find violations of basic health and safety standards, labour rights, human rights or unnecessary or illegal environmental degradation on a project, you have an obligation to immediately inform your local manager.

You have this obligation even though you are only indirectly involved in the project as a sub-consultant. The manager will then take due action in relation to the relevant customer or business partner.

You can use the COWI Whistleblower if your local manager is not reacting to the problem. If the problem is acute, you should react on it immediately to avoid casualties."

However, Claus Jørgensen (Niras) also suggests why no method has been developed. It has to do with defining the company's responsibility:

Our task in, say, Liberia could be to build a port. Our task would not be to monitor whether human rights are violated. Therefore we're not going to make active inquiries. [...] We are not going to go around, saying: "So, where do the workers live? We have to check whether they are doing well or poorly." Because we aren't trained to do that.

CLAUS JØRGENSEN, NIRAS

When asked, the two companies who lined up for an interview (Niras and Grontmij) could not provide examples of employee reports concerning human rights violations. Søren Vestergaard Andersen (Grontmij) mainly interprets this as a success of the screening process.

No cases have been reported through our whistleblowing scheme. This indicates, then, that the safety net is relatively fine-meshed, such that the things are screened out.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

Søren Vestergaard Andersen (Grontmij) furthermore believes that 'minor situations' may have been handled without having been documented in writing or having resulted in a report as such.

There may have been minor situations that were solved locally and which have not made their way up the system. Cases that normally goes through the system are those that are severe

or can not be solved locally. But that doesn't mean that no-one called attention to the problem or dealt with it – but that's not something I have specific knowledge about. And it's not something we have reports on.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

Cowi and Rambøll were encouraged to provide – anonymously if necessary – examples of employees registering human rights violations. Neither did.

Cited from GRONTMIJ Code of Conduct – the chapter on human and workers' rights:

"If you suspect a client or business partner of not complying with internationally ratified human and workers' rights, do not hesitate to notify the board of directors about this."



In 2011, DanWatch revealed that partners of Rambøll in Dubai recruited migrant workers in conditions characterized by experts as modern slavery . DanWatch/Matilde Gattoni

A difficult task for the employees

All companies acknowledge that it can be challenging for employees to identify human rights violations.

But the employees cannot count on training in this task.

Several companies state that employees are facing a difficult task – human rights violations can be difficult to identify.

The challenge is to have the right knowledge and access to information about partners on projects. Even though we have policy and procedures in place there is always a risk of not having identified the violations because the information is not transparent and may be well hidden.

JENS-PETER SAUL, RAMBØLL

The key challenge in relation to human rights is that the main risk of human rights abuses most often lies outside COWI's sphere of influence.

ANNEMARIE MEISLING, COWI

In cases where people are denied a collective agreement, how do you discover that? If it is a local workforce operating in a different language than you, you have to get fairly close to unveil that.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

At the same time there seems to be great variation in how employees are prepared to handle this responsibility. Jens-Peter Saul (Rambøll) is the only one to talk of an actual training programme.

We are communicating and training our employees in our obligation to act – the policy's meaning, importance and impact on our business behaviour.

JENS-PETER SAUL, RAMBØLL

In cases where people are denied a collective agreement, how do you discover that? If it is a local workforce operating in a different language than you, you have to get fairly close to unveil that.

SØREN VESTERGAARD ANDERSEN,
GRONTMIJ

Søren Vestergaard Andersen (Grontmij) mentions some form of instruction of employees in 'integrity issues', while only Niras offers training at management level:

A part of our management education is discussing our values and how we comply with these values. But as mentioned before, it's not like we instruct them to be watchdogs. [...] It's the managers who must to pass the torch to the employees. So when a manager is on such a training course, we tell him that he must also ensure that the employees are notified about this. So when he sends employees to Ghana or Liberia, we expect that he has notified them.

CLAUS JØRGENSEN, NIRAS

When asked directly if it should not be employees with contact to the construction sites who

receive this training in order to assess whether a violation is large or small, Claus Jørgensen (Niras) replies:

I actually think we have a very open dialogue. We have a very flat structure. So it's my impression that they would talk about it. And if someone has direct knowledge of a violation, then they have to react. But maybe this could be improved. [...] Maybe we should make it a bit more obligatory and say (to the employee, ed.): 'If you discover this ... you should do this and this'. I don't think we would ever make this checklist, because we are not watchdogs, but we might need some guidelines for the employee about what to do when he discovers human rights violations.

CLAUS JØRGENSEN, NIRAS

Annemarie Meisling (Cowi) mentions nothing about training of employees in her reply.

In case of human rights violations

The companies provide very few examples of how the dialogue with partners having come into conflict with the UN Global Compact proceeds.

All four companies claim that they would not hesitate to address a human rights violation – either with the partner or the partner’s client.

Dialogue with partners/clients is given higher priority than pulling out of the project.

Niras, however, points out that it is a risk to the company’s reputation to be part of such a project while the dialogue is ongoing, and that it is therefore best to pull out quickly.

The four companies provide very few examples in the interviews. As previously mentioned, Søren Vestergaard Andersen (Grontmij) and Claus Jørgensen (Niras) state that no reports have been made by employees concerning human rights violations – and, as a result, that there has been no dialogue with partners about this.

I have no specific examples of us having engaged in a dialogue with the client.

CLAUS JØRGENSEN, NIRAS

We put a lot of effort into preventive work beforehand, and then the job is to keep eyes and ears open out there. Observe what happens and handle the conditions out there. But we have never received reports (on workers’ rights, ed.)

SØREN VESTERGAARD ANDERSEN, GRONTMIJ

Despite our request, Annemarie Meisling (Cowi) and Jens-Peter Saul (Rambøll) too provide no concrete examples of reports made by employees.

However, Annemarie Meisling (Cowi) mentions an example of a fruitful dialogue in which an outside source brought the problem to attention:

We were informed that a sub-contractor on one of the projects in the Middle-East, illegally housed workers in a small private home. We did not have access to the home, nor was it part of our contract to supervise the living conditions of the workers. We did, however, initiate a dialogue with the main contractor who contacted

We do not believe it works to have fear of contact with partners who have a potential problem and to pull out as soon as we identify an issue.

JENS-PETER SAUL, RAMBØLL

the sub-contractor and corrective steps were taken.

ANNEMARIE MEISLING (COWI)

Jens-Peter Saul (Rambøll), too, provides an example of a dialogue with a partner – which was not fruitful, however.

Unfortunately, we have experienced that our attempt to engage in dialogue with a partner who had violated Human Rights was not successful, as we were met by a wall of silence when we approached the CEO of the company violating the principle of UN Global Compact.

JENS-PETER SAUL, RAMBØLL

The companies either cannot – or will not – provide many examples, but they do want to tell how they will act should the situation arise.

We believe it works to be transparent about the dilemmas and to have a constructive open dialogue about the issues with our partners. We do not believe it works to have fear of contact

with partners who have a potential problem and to pull out as soon as we identify an issue. As an independent consultant we try to influence through dialogue in a positive direction.

JENS-PETER SAUL, RAMBØLL

If COWI is made aware that a contractor is violating international human rights on the project where we are involved, we will bring it up with the contractor, even though we do not have a contract. It is our experience that most professional companies acknowledge that good human rights and labour conditions are prerequisites for worker satisfaction and high quality services. However, if the contractor does not react to the problem, we will bring it up with the customer. If the contractor still does not react to the problem the customer will usually bring it up with the Ministry of Man-Power and the police.

ANNEMARIE MEISLING, COWI

We would point it out to the client, and we would discuss internally whether it lives up to our values, and if the conclusion is that we can’t, then we will pull out. But I don’t believe we would go to the authorities, since we are present in some countries where we probably wouldn’t know how the authorities would react – they might turn out to be the ones responsible – so we would probably try to exert direct pressure on our client. Because we find that to be the most effective thing.

CLAUS JØRGENSEN, NIRAS

We have not seen it with human rights. But with corruption. And our policy is the same, after all. It covers all scenarios, from terminating the con-

tract to abandoning the project if the situation is really bad to refunding money or declining requests. And to do so in a constructive way, such that, business-wise, we can maintain relations with the other party, make sure to decline the party without the latter losing face and sending a clear signal that we do not conduct business this way. It is not just about resolving the individual situation – but also about the preventive effect of influencing business partners so they can see that this is not the way to do business.

[SØREN VESTERGAARD ANDERSEN, GRONTMID](#)

The companies' replies vary when it comes to the possibility of pulling out of projects in which a partner violates human rights. Annemarie Meisling (Cowi) states it to be 'most responsible' to stay in the project, and Jens-Peter Saul (Rambøll) believes that you may first abandon a project when every other means has been exhausted – and even then you may only abandon the project 'within contractual terms and conditions'.

Once we have entered into a project, we believe it is most responsible to leverage our influence by initiating a dialogue with the contractor or the customer, instead of withdrawing from a project if there is a problem.

[ANNEMARIE MEISLING \(COWI\)](#)

We do not have concrete examples. It is our aim not to pull out from a project, but it is a consequence for continued cooperation that the company takes corrective actions. In case of a serious violation of the principles of the UN Global Compact or Rambøll's Code of Conduct, we will

within the contractual terms and conditions pull out from a project, if we have tried all other possibilities to influence without any results.

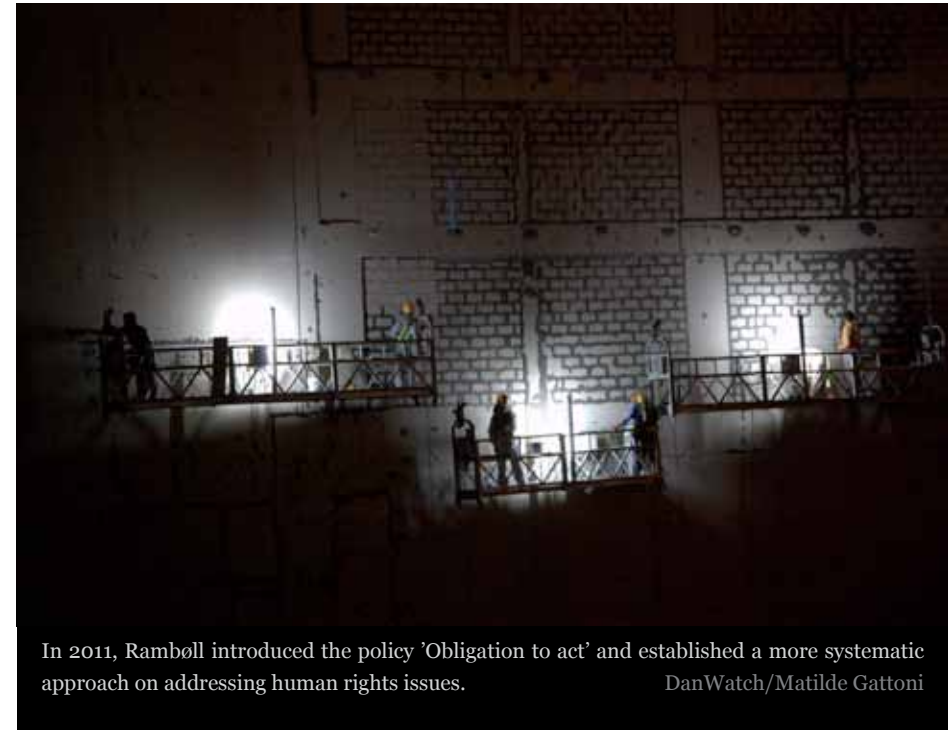
[JENS-PETER SAUL, RAMBØLL](#)

According to Claus Jørgensen (Niras), staying in a project while a dialogue is going on entails risks, and therefore Niras is inclined to pull out quickly.

Our point of departure is mainly the business aspect rather than the moral – in the sense that if we stay in a situation where human rights are violated, then we pay careful attention to how this may affect our business negatively. It's not about the money but our reputation – the image we project. So we will react very quickly.

[CLAUS JØRGENSEN, NIRAS](#)

Claus Jørgensen (Niras) furthermore finds that a hypothetical departure from a project depends on the severity of the violation – they do not want to close down a project with 1,000 satisfied employees because one minor-aged boy is seen on the construction site.



In 2011, Rambøll introduced the policy 'Obligation to act' and established a more systematic approach on addressing human rights issues.

[DanWatch/Matilde Gattoni](#)

Our point of departure is mainly the business aspect rather than the moral – in the sense that if we stay in a situation where human rights are violated, then we pay careful attention to how this may affect our business negatively.

[CLAUS JØRGENSEN, NIRAS](#)

How to ensure remediation for victims of violations

The obligation to ensure access to remedies to those who have been wronged seems to be only partially acknowledged and implemented.

None of the companies provide examples of their having participated in such processes

The four companies also have an obligation to work towards ensuring reparations for those who have been wronged - even if they, as consulting engineers, have no direct part in the violation. This has been determined by the UN Guiding Principles mentioned above. But the four companies' replies indicate various degrees of acknowledgement and implementation.

If Human Rights violations are identified we will always try to influence the violating partner to give victims access to remedies.

JENS-PETER SAUL, RAMBØLL

Disputes between a contractor and their employees are something that will be handled by the Ministry of Manpower and the national judiciary. However, if COWI is made aware of international human rights violations we will bring this up in a dialogue with the customer, the contractor and other business partners.

ANNEMARIE MEISLING, COWI

Søren Vestergaard Andersen (Grontmij) admits to not having procedures in place.

We have never seen anyone who needed reparations. Typically it is not us who have to give it to them because it is not us who have violated these rights - it will be someone we have worked with. We will, of course, take up the issue and work on it if should come to that. It is not something for which we have procedures in place. Perhaps mainly because we have never been there. But, of course, we are morally and practically prepared to handle it if it should happen.

SØREN VESTERGAARD ANDERSEN, GRONTMIJ



Thousands of migrant workers in the construction sector of the Gulf States experience confiscation of passports, unpayable debt and being deadlocked to one employer.

DanWatch/Matilde Gattoni

It is not something for which we have procedures in place. Perhaps mainly because we have never been there.

SØREN VESTERGAARD ANDERSEN,
GRONTMIJ