Business and Human Rights in the Maritime Environment

Part I

Applying the UN Guiding Principles

The UN Guiding Principles on business and human rights are international voluntary guidance for business and human rights. They are based on international human rights law, the OECD Guidelines for Multinational Enterprises, and the UN Convention against Corruption.

Protect (The First Pillar)

The first pillar is the State duty to PROTECT against human rights abuses by any third parties, including businesses. It covers crime in all its forms, such as human trafficking, illegal logging, illegal fishing, and terrorism.

Respect (The Second Pillar)

The second pillar is a business corporate responsibility to RESPECT human rights, meaning that business must not infringe on the rights of others and that they must subsequently address any negative impacts that they may have caused.

Remedy (The Third Pillar)

The third and final pillar is the need for greater access to effective REMEDY for victims of business-related human rights abuses. This means that businesses need to ensure any abuses are comprehensively addressed and not ignored.

The second pillar, the corporate responsibility to respect human rights, applies to all business enterprises operating within the maritime environment. This includes all businesses operating throughout the entire maritime supply chain such as the design, construction, and operation of vessels, brokerage services, shipyards, dry-docks, port services, freight forwarding, charters, and insurers.

Corporate responsibility to respect human rights

Implementing the Responsibility to Protect

As businesses in the maritime sector have a responsibility to protect the human rights of their employees, they must have clear policies in place such as human rights due diligence review, whistleblowing, reporting, and remediation.

Business also have a duty to investigate and provide effective remedy for seafarers, fishermen, and their families if they have suffered from any human rights abuses or if they have become lost or missing.

A Human Rights Due Diligence review is broken down into five separate areas.

Assessment looks at a businesses human rights impact in all areas of their operation.

Accountability uses the assessment to check human rights impact based on decisions made at senior management level.

Monitoring is how effectively a business manages to address any impact they may have on human rights.

Transparency monitors how well a business communicates any impacts and whether or not these are human rights.

Remediation exists to ensure that a business offsets any negative impact that they have had on human rights in a proactive and transparent manner which is publicly reportable.

The responsibility to protect human rights is a continuous process. It must never be avoided, either deliberately or by accidental omission.

Human Rights Due Diligence

Human rights protection should be at the forefront of every business executive's planning and operational considerations.