



# TOWARDS MEANINGFUL HUMAN RIGHTS IMPACT ASSESSMENTS

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From supermarket commitments  
to best practice action

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This discussion paper focuses on the commitments that Dutch, German and UK supermarkets made as part of the Behind the Barcodes campaign to conduct human rights impact assessments (HRIAs). To understand whether supermarkets are meaningfully implementing those commitments and to support learning, this paper analyses the HRIAs that supermarkets have published in the past four years and identifies best practice efforts and points of improvement. Oxfam also outlines key recommendations for supermarkets and other food companies to improve HRIA processes to ensure that the rights of people making our food are better protected and respected.

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Cover photo: Rafael, with coffee beans, Minas Gerais State, Brazil. Credit: Tatiana Cardeal / Oxfam Brasil.

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# SUMMARY

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Exploitation of people and the planet continues to be rampant in the production of food. Supermarkets are powerful players in international food value chains, which is why Oxfam called on supermarkets to take responsibility for human rights in their supply chains in the Behind the Barcodes campaign. Between 2018 and 2022, Oxfam ranked large supermarkets based on their policies and practices to address human rights in their food supply chains in the global Supermarket Scorecard. Responding to the campaign, several Dutch, German and UK supermarkets made commitments and started to put in place human rights and environmental due diligence (HREDD) processes and gender policies. One key tool within HREDD is conducting human rights impact assessments (HRIA) – research studies to identify negative human rights impacts of business activities. These in-depth assessments can help companies to understand where and how their operations or sourcing activities are harming people, and subsequently to establish and implement action plans to address those negative impacts.

In analysing the HRIAs that these supermarkets have published so far, it is clear that there are several gaps with best practices.

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Several large Dutch, German and UK supermarkets committed to conducting and publishing HRIAs and subsequent action plans to mitigate and prevent negative human rights impacts in their value chains. **Asda**, **EDEKA** and **Rewe** have not made a commitment to conduct HRIAs and have not published any assessments so far. **Albert Heijn** (subsidiary of Ahold Delhaize), **Aldi Nord**, **Aldi Süd**, **Jumbo**, **Lidl**, **Morrisons**, **PLUS**, **Sainsbury's** and **Tesco** have each published one or more HRIA reports. To understand whether they are meaningfully implementing their commitments to conduct HRIAs and support learning towards best practices, this research analyses the HRIAs and action plans the supermarkets published in the past four years.

As supermarkets continue on their human rights and environmental due diligence journey, it is key that they ensure that their HRIAs are in line with best practices to make these processes meaningful and impactful. *However, in analysing the HRIAs that these supermarkets have published so far, it is clear that there are several gaps with best practices.* Important gaps include not prioritizing high-risk supply chains, limited scope of human rights considered, lacking internal and external capacity and expertise in the research teams, failing to engage rightsholders in a meaningful way or to implement gender-responsive approaches, overlooking vulnerable rightsholders, and inadequately addressing root causes such as purchasing practices as part of the analysis.

In addition, a major crux in the HRIA process is the translation of the assessment and its recommendations into an action plan which is designed to mitigate the identified human rights impacts in a meaningful way. *Supermarkets often downplay their own potential impact and leverage for change, fail to formulate effective actions that actually address the negative*

Supermarkets often downplay their own potential impact and leverage for change, fail to formulate effective actions that actually address the negative impacts, such as measures on purchasing practices, do not consult rightsholders in the design and implementation of action plans, and are not transparent about the progress on implementation.

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*impacts, such as measures on purchasing practices, do not consult rightsholders in the design and implementation of action plans, and are not transparent about the progress on implementation.*

Ultimately, the goal of an HRIA should be to identify and mitigate the negative impacts that people experience from business activities. *Without a robust HRIA, supermarkets cannot formulate effective action plans, and without a strong commitment to address human rights risks through effective action, the HRIA process will not lead to change.* For HRIAs to be a meaningful and constructive tool within companies' HREDD processes, supermarkets should make significant improvements in line with best practices:

- **Make and implement commitments to conduct HRIAs** as one of the strategies to identify and mitigate negative impacts on human rights embedded into the broader HREDD processes. Companies should be committed to gender-responsive HRIAs in line with best practices, focusing on the most salient human rights risks, and publishing the findings.
- Plan and scope an HRIA
  - ✓ **Assemble a skilled, experienced and independent research team.** Companies need to invest in internal capacity with dedicated resources and expertise on human rights, and work with independent and qualified third-parties to conduct HRIAs.

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Diana holds out rice produced in Bangladesh. Credit: Fabeha Monir/Oxfam.

- ✓ **Focus on high-risk suppliers where salient risks have been identified.** HRIAs should be primarily focused on the risks for rightsholders in terms of saliency and severity of (potential) rights violations. Companies may also consider other factors, such as the degree of leverage or practical considerations, but the interests of rightsholders needs to be the main consideration.
- ✓ **Invest in internal engagement to enhance effectiveness,** including the engagement of higher management and buying departments, as well as other relevant internal stakeholders, particularly those involved in implementing mitigation measures.
- Collect data and analyse impacts
  - ✓ **Apply human rights categories and legal frameworks consistently.** HRIAs should not start from a pre-selected list of relevant rights or salient issues but take a broad approach to identifying all risks to internationally recognized human rights, at a minimum those in the International Bill of Human Rights, the nine core UN human rights treaties, and the principles on fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.
  - ✓ **Conduct meaningful engagement with rightsholders.** This should involve the people directly affected by the company's activities, be timely and ongoing, inclusive and gender sensitive, and use the most appropriate approaches given specific contexts. Engagement should be empowering to rightsholders with access to the right information and resources, foster accountability and ensure their safety.
  - ✓ **Apply a gender-responsive approach.** Companies need to ensure HRIA processes are gender responsive by design. This includes having gender expertise in the research team, engaging women and women's organizations, and actively considering gendered impacts of business activities and purchasing practices during all stages of the process, including in recommendations.
  - ✓ **Include vulnerable rightsholders meaningfully in the HRIA process,** which requires companies to identify groups that may be at heightened risk of marginalization. These vulnerable groups need to be actively considered and engaged, while ensuring their safety and security in the process.
  - ✓ **Triangulate, validate and substantiate evidence of human rights impacts** and avoid relying on a single source, particularly when findings are contradictory.
  - ✓ **Focus on 'do no harm' and negative impacts first** to identify and mitigate human rights risks. When positive impacts are also identified, mitigating harm should take priority.
  - ✓ **Prioritize risks based on saliency.** Prioritization should be in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs), with severity of a (potential) negative impact being the main indicator.
  - ✓ **Address root causes and the company's own contribution to impacts, including purchasing practices.** This includes structural drivers of human rights abuses and the company's impact on those drivers.
- Design and implement action plans
  - ✓ **Commit internally and externally to the implementation of an effective and appropriate action plan, and prioritize the mitigation of the identified negative impacts on human rights.**
  - ✓ **Embed the creation of timebound action plan in the HRIA process.** Rather than decoupling the two processes, taking action should be a core purpose of the HRIA and therefore integrated into the process, including by drawing on expertise from the research team and engaged stakeholders.
  - ✓ **Be transparent about the HRIA and the action plan.** Companies should publish HRIAs and action plans (while protecting the anonymity of rightsholders) and actively share and socialize findings and planned actions with stakeholders.

- ✓ **Involve rightsholders and stakeholders in the design and implementation of actions.** Stakeholders should not only be consulted in the HRIA data collection phase, but also be included in the action planning and implementation to ensure actions are meaningful and effective.
- ✓ **Monitor progress on action plan implementation,** including through continuing dialogue with stakeholders and (representatives of) rightsholders. Continuous monitoring also allows companies to adjust actions when contexts change or when actions have a different impact than expected.
- Advocate for binding legislation
  - ✓ **Advocate for and support implementation of binding legislation on human rights and environmental due diligence.** This legislation should require companies to conduct meaningful engagement with rightsholders to mitigate negative impacts, with HRIAs as one of the tools.

# 1.

## INTRODUCTION

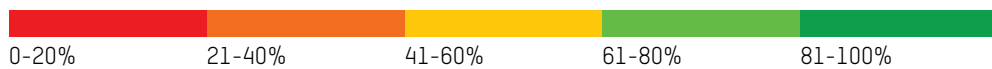
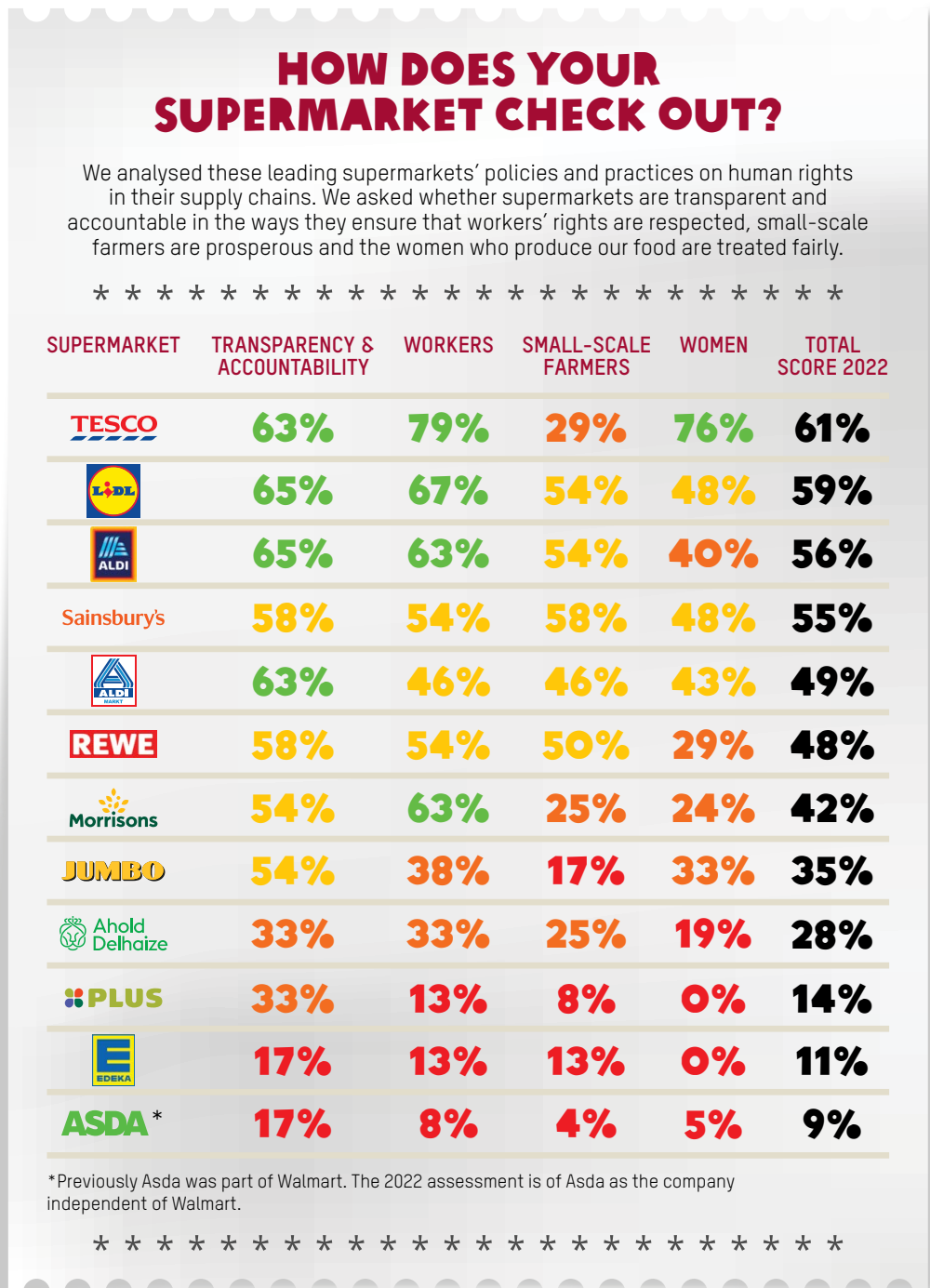
The last 30 years have seen a global inequality crisis in all areas of our economy, including in the food and agriculture value chains. In 2023, Oxfam's Survival of the Richest report revealed how food companies had more than doubled their profits in the year before, while over 800 million people went hungry, most of whom were women and girls.<sup>1</sup> Globally, 3.83 billion people, nearly half of the world's population, live in households that are reliant on agrifood systems for their livelihoods,<sup>2</sup> many of which face poverty, increasing food insecurity and deepening inequality accelerated by climate change. This includes people who produce food for large supermarkets. From forced labour aboard fishing vessels in Southeast Asia, to hunger faced by workers on South African grape farms: human and labour rights abuses are rampant in supermarkets' supply chains. The companies at the top of these food supply chains have grown increasingly powerful, generating enormous profits and accumulated capital at the expense of food producers around the world. In recent years, the agri-food sector has reached new extremes of market concentration at all stages of the food supply chain, including the retail level. This skewed power relationship has allowed supermarkets to squeeze the prices that food producers receive, while taking an increasing share of the profit for themselves.<sup>3</sup>

In this context, Oxfam's Behind the Barcodes campaign called on supermarkets to take responsibility for human rights in the production of the food stocked on their shelves. In 2018, Oxfam launched the global Supermarket Scorecard, ranking large supermarkets based on their policies and practices to address human rights in their food supply chains. The scorecard assessed to what extent supermarkets are transparent and accountable about their efforts to ensure that workers' rights are respected, small-scale farmers are prosperous and the women who produce our food are treated fairly. In response to the campaign, several Dutch, German and UK supermarkets made commitments and started to put in place human rights and environmental due diligence (HREDD) processes and gender policies. One key tool within HREDD processes is conducting human rights impact assessments (HRIAs), which are research studies to identify the negative human rights impacts of business activities. These in-depth assessments can help companies to understand where and how their operations or sourcing activities are harming people, and subsequently to establish and implement action plans to address those negative impacts.

The final Supermarket Scorecard of 2022<sup>4</sup> (Figure 1) and the Dutch Superlist Social Ranking in 2023<sup>5</sup> showed that many supermarkets in Germany, the UK and the Netherlands had improved their publicly-disclosed policies and self-reported improved practices on human rights and increased their scores, but also that all supermarkets still take insufficient steps to ensure that the products on their shelves are made without exploitation. Often, the good first steps that supermarkets take, such as conducting HRIAs, are not implemented in line with best practice standards and as a result may not lead to improvements for the people producing our food.<sup>6</sup>



Figure 1. How does your supermarket check out?



This scorecard is based on supermarkets’ public policies, statements, and commitments. Reported human rights allegations in the supply chains of companies can be found here: [www.business-humanrights.org/barcodes](http://www.business-humanrights.org/barcodes)

Source: Oxfam. (2022). *Behind the Barcodes 2022 Supermarket Scorecard and Data.*<sup>7</sup>

International standards from the United Nations and the Organisation for Economic Co-operation and Development (OECD) have outlined the expectations for corporations to respect human rights in their operations and supply chains since 2011. Increasingly, these standards are further solidified in legislation that makes it mandatory for companies to conduct HREDD. Across Europe, mandatory HREDD legislation has already been implemented or is being developed, including at the EU level.<sup>8</sup> In the Netherlands, six political parties submitted a bill on mandatory HREDD to parliament<sup>9</sup>, and in the UK, there is an ongoing campaign supported by civil society organizations (CSOs), trade unions, investors and business (including many supermarkets) calling for a Business, Human Rights and Environment Act – a due diligence law modelled on the UK Bribery Act.<sup>10</sup> In Germany, the Supply Chain Law came into force on 1 January 2023.<sup>11</sup> To comply with these legislative requirements and international standards, supermarkets and other food companies need to be committed to meaningful and impactful processes, beyond just box-ticking, towards tangible change for the people suffering in supply chains.

To understand whether supermarkets are meaningfully implementing their commitments to conduct HRIAs and to support best practices, this report analyses the HRIAs and action plans that the largest Dutch, German and UK supermarkets have published in the past four years.<sup>12</sup> It outlines the processes by which supermarkets conduct HRIAs and lessons for improving how supermarkets conduct HRIAs and define action plans. Section 1 analyses whether German, Dutch and UK supermarkets are meaningfully implementing their commitments to conduct HRIAs. Sections 2 and 3 highlight gaps between best practice standards and supermarkets' efforts and identify key areas of improvement. Section 4 presents a case study of Lidl's HRIA into berries from Huelva in Spain. Section 5 draws conclusions and presents key recommendations for supermarket retailers and other (food) companies to improve HRIA processes so that these assessments are effective at ensuring that the rights of people making our food are better protected and respected.



Maria and her daughter Lúcia with coffee fruits and a typical sieve used for farming, Minas Gerais State, Brazil.  
Credit: Tatiana Cardeal / Oxfam Brasil.

## 2.

# SUPERMARKETS' HRIAS: IMPLEMENTING COMMITMENTS?

Between 2018 and 2022, Oxfam's international Behind the Barcodes campaign called on large supermarket retailers, as powerful players in food supply chains, to take responsibility for human rights in the production of the products on their shelves. As part of the campaign, Oxfam's global Supermarket Scorecard ranked supermarkets based on their policies and practices to address human rights in their food supply chains. The scorecard assessed the extent to which supermarkets are transparent and accountable about their efforts to ensure that workers' rights are respected, small-scale farmers are prosperous, and the women who produce our food are treated fairly. Responding to the campaign, *several Dutch, German and UK supermarkets made commitments and started to put in place HREDD processes and gender policies, including commitments to conduct and publish in-depth HRIAs.* This section outlines the importance of HRIAs as a tool within HREDD processes, the commitments supermarkets made, and the extent to which these are being implemented.

*Several Dutch, German and UK supermarkets made commitments and started to put in place HREDD processes and gender policies, including commitments to conduct and publish in-depth HRIAs.*

## ASSESSING THE IMPACTS OF BUSINESS ON HUMAN RIGHTS

In 2011, the United Nations Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (UNGPs), which established a state's duty to protect human rights, the responsibility of businesses to respect human rights in their own operations and in their value chains, and the rights of victims to remediation.<sup>13</sup> To identify, mitigate, prevent and remedy human rights risks, companies are expected to conduct HREDD, a rigorous process grounded in corporate policies and practices to ensure the company is sourcing and operating in a way that does not harm people and the planet. The UNGPs were widely supported by CSOs, trade unions, governments and progressive businesses, and have formed the basis for international standards and legislation to protect human rights against corporate abuses. These include the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct,<sup>14</sup> which are recommendations

by governments to businesses on how to adopt HREDD processes, and binding legislation such as the upcoming EU Corporate Sustainability Due Diligence Directive (CSDDD), the Supply Chain Act in Germany, and the Vigilance Law in France.

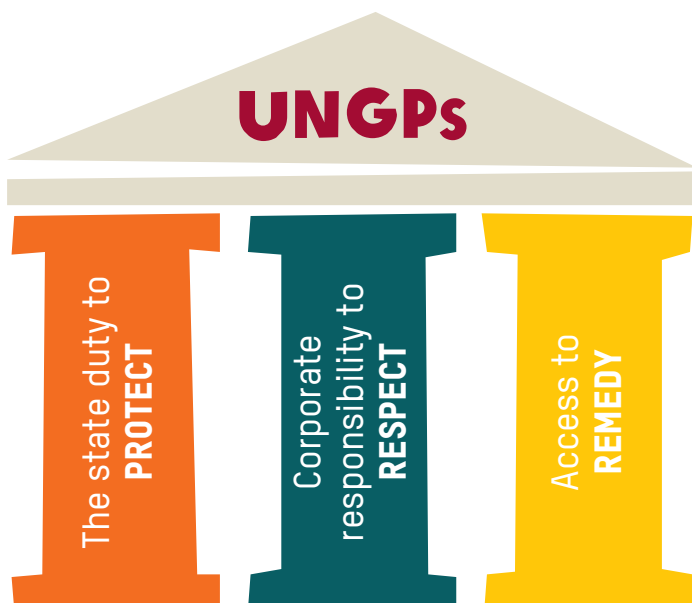
To conduct effective and meaningful HREDD, it is crucial that companies are aware of the human rights risks associated with their operations or value chains, and how their policies and practices may have negative impacts on people and the environment. A useful tool for companies to understand those impacts are HRIAs, which are in-depth analyses of a specific sector or (part of a) company's value chain that capture and assess all relevant adverse risks to human rights. HRIAs offer a structured approach for businesses to gain a comprehensive understanding of these adverse effects from the perspectives of those affected, such as workers and community members. This helps to create an accurate assessment and facilitates targeted actions to address any negative effects. Moreover, *HRIAs serve as a point of departure for dialogue between the business, rightsholders and other stakeholders. This*

*engagement should foster constructive conversations, allow for the exchange of insights and ensure that rightsholders are heard and considered.* It also presents an opportunity for capacity building and learning among all stakeholders involved in the impact assessment, raising awareness about their respective rights and responsibilities.<sup>15</sup>

By documenting the identified impacts and corresponding actions taken to address them, an HRIA enhances businesses' accountability. It provides a transparent record of the steps taken to mitigate adverse effects and demonstrates the company's commitment to respecting human rights. HRIAs also encourage the formation of partnerships between businesses and other stakeholders to develop joint actions to address cumulative impacts or legacy issues that require collective efforts. The knowledge and insights gained from the assessment can also inform and improve HREDD processes, purchasing practices and other activities.

HRIAs serve as a point of departure for dialogue between the business, rightsholders and other stakeholders. This engagement should foster constructive conversations, allow for the exchange of insights and ensure that rightsholders are heard and considered.

**Figure 2. The three pillars of the UN Guiding Principles on Business & Human Rights**





Aminah holding coffee beans that she planted on her farm in Indonesia. Credit: Kyo Umareta/Oxfam.

## ARE SUPERMARKETS PUBLISHING HRIAs?

Because HRIAs offer a meaningful tool within company's HREDD processes, the Oxfam Behind the Barcodes campaign pushed supermarkets to commit to conducting at least three HRIAs focused on the impact of high-risk food supply chain operations on workers, small-scale farmers and women. The commitment included making HRIAs publicly available to ensure transparency and accountability towards stakeholders and conducting the assessments in line with Oxfam's HRIA Framework based on the UNGPs. Best practice standards include ensuring rightsholders are meaningfully engaged in the process, integrating a gender lens, analysing the impact of a company's own activities and purchasing practices on human rights and developing action plans to mitigate the identified negative impacts.

Of the 12 supermarkets in the UK, Germany and the Netherlands assessed by Oxfam in the Supermarket Scorecard, three have made no public commitments to conduct HRIAs, nor have they published any HRIAs to date. These supermarkets are **Asda, EDEKA and Rewe**. Nine large supermarkets did make public commitments on HRIAs. Table 1 gives an overview of the commitments that these retailers made, and the HRIAs and action plans they have published so far in various food supply chains.<sup>16</sup>

**Albert Heijn** (a subsidiary of Ahold Delhaize), **Aldi Nord**, **Aldi Süd**, **Jumbo**, **Lidl**, **Morrisons**, **PLUS**, **Sainsbury’s** and **Tesco** have published one or more HRIA reports. None of the retailers are on track to fully meet the public commitments they have made on HRIAs, although the first steps that supermarkets have taken to publish HRIAs show some limited progress.

**Albert Heijn** committed to conducting between three to six HRIAs per year and has published seven HRIAs to date – by far the most of the selected supermarkets. Albert Heijn does not publish action plans with planned mitigation activities based on the assessment but does report on actions taken afterwards.<sup>17</sup> Similarly, **Jumbo** committed to three HRIAs per year and has published five HRIAs so far, but only included an action plan for two of its assessments. **PLUS** committed to one HRIA per year and has thus far only participated in one joint HRIA through its buying organization Superunie<sup>18</sup> on canned tomatoes in Italy by the Dutch retailer sector association,<sup>19</sup> but has not published an action plan nor reported on any actions taken so far. **Aldi Nord** and **Aldi Süd** both committed to 12 HRIAs by the end of 2025 and have published four and three HRIAs respectively over the past three years, all including an action plan. **Lidl** committed to three HRIAs per year and has published five to date. **Morrisons** committed to three HRIAs and has published two so far. **Sainsbury’s** and **Tesco** also committed to three HRIAs and have each published one so far.

**Figure 3. Which supermarkets made a public commitment to assess human rights impacts?**



Table 1. Supermarkets with public commitments on HRIAs and action plans

SUPERMARKET	COMMITMENT	PUBLISHED HRIAS	PUBLISHED ACTION PLAN
<b>ALBERT HEIJN</b>	Three to six HRIAs per year	Bananas, Colombia (2021)	No
		Canned tomatoes, Italy (2022)	No
		Wine, South Africa (2022)	No
		Green beans, Morocco (2023)	No
		String beans, Morocco (2023)	No
		Blueberries, Morocco (2023)	No
		Citrus, South Africa (2023)	No
<b>ALDI NORD</b>	Up to twelve HRIAs by end of 2025	Canned tomatoes, Italy (2022)	No
		Wild catch fish & seafood, multiple countries (2022)	Yes
		Citrus, Spain (2022)	Yes
		Tea, Asia (2023)	Yes
<b>ALDI SÜD</b>	Twelve HRIAs by end of 2025	Avocado, Peru (2021)	Yes
		Brazil Nuts, Bolivia (2021)	Yes
		Coffee, Brazil (2021)	Yes
<b>JUMBO</b>	Three HRIAs per year	Citrus, Egypt (2021)	No
		Mango, various countries (2022)	No
		Canned tomatoes, Italy (2022)	Yes
		Tea, Asia (2023)	No
		Basmati rice, Asia (2023)	Yes
<b>LIDL</b>	Three HRIAs per year	Berries, Spain (2020)	Yes
		Tea, Kenya (2020)	Yes
		Bananas, Colombia (2021)	Yes
		Canned tomatoes, Italy (2022)	Yes
		Wine, South Africa (2023)	No
		Shrimp, Asia (2023)	No
<b>MORRISONS</b>	Three HRIAs by end of 2022	Coffee, Brazil (2023)	No
		Coffee, Peru (2023)	No
<b>PLUS</b>	One HRIA per year	Canned tomatoes, Italy (2021)	No
<b>SAINSBURY'S</b>	Three HRIAs in two years	Prawns, Vietnam (2023)	Yes
<b>TESCO</b>	Three HRIAs by 2024	Shrimp, Vietnam (2021)	Yes

Sources<sup>20</sup>: Albert Heijn. (2023). *Mensenrechten Due Diligence bij Albert Heijn*; Aldi Nord. (2023). *Human Rights Policy Statement*; Aldi South. (2021). *Increasing transparency: the importance of Human Rights Impact Assessments.*; Human Rights; Jumbo. (2023). *Arbeidsomstandigheden in de keten*; Lidl. (2023). *Human Rights in our Supply Chains: Progress Update 2023*; Morrisons. (2023). *Risk Assessment*; PLUS. (2022). *Vooruit in ketenverantwoordelijkheid PLUS – Due Diligence aanpak 2022*; Sainsbury's. (2023). *Human Rights*; Tesco. (2022). *Our approach to human rights*.

# 3

## BEST PRACTICES FROM ASSESSMENT TO ACTION

HRIsAs are core elements of HREDD responsibilities. When living up to their commitments, companies should not fall in the trap of simply box-ticking HRIsAs but ensure that these processes are meaningful and impactful. This section analyses the processes by which supermarkets set up and conduct HRIsAs, identifies key gaps in best practices, and provides concrete recommendations to overcome these limitations.

### METHODOLOGY

The findings in this section are based on an analysis of publicly available documentation, including supermarkets' public HRIA reports, action plans and other human rights and sustainability policies and reporting, as well as various best practice standards on HRIsAs developed by CSOs, including the Oxfam HRIA Framework.<sup>21</sup> This desktop analysis was complemented by eight interviews with stakeholders at supermarkets, mostly from the corporate social responsibility (CSR) departments, as well as interviews with other stakeholders including a trade union, third-party consultancies and Oxfam staff. The research was carried out by an independent team from the consultancy organization Enact.<sup>22</sup>

The findings reveal gaps in the implementation of best practices. The identified best practices supermarkets should implement are presented in line with the key phases in an HRIA process:<sup>23</sup>

- 1. Planning and scoping:** This involves setting clear objectives, identifying key stakeholders and rightsholders, and determining the scope and limits of the assessment. It includes defining the human rights standards and criteria to be used in the evaluation.
- 2. Data collection and analysis:** Relevant data and information are gathered through methods such as interviews, surveys and document reviews. The collected data is then analysed to identify and assess the potential adverse human rights impacts resulting from the business projects or activities.
- 3. Action plan and implementation to mitigate impacts:** Once the impacts are identified and assessed, this phase focuses on developing strategies and measures to prevent, mitigate and manage adverse effects. This includes reporting the findings, recommendations and actions taken to address the identified impacts, and communicating the results to relevant stakeholders, including rightsholders. Ongoing review of the HRIA process is important to ensure continuous learning, improvement and accountability.



## PLANNING AND SCOPING: GETTING OFF ON THE RIGHT FOOT

In the planning and scoping phase, companies select a supply chain and specific suppliers that will be the focus of the assessments. Based on that selection, companies need to set the HRIA's objectives, scope and parameters, identify key stakeholders and rightsholders, and assemble a research team to carry out the HRIA. This phase is crucial for getting off on the right foot and laying the groundwork for a meaningful and impactful HRIA. The next subsections outline key best practices in the planning and scoping phase, commonly observed gaps, and how to implement best practices instead.

### Assemble a skilled, independent and experienced research team

When conducting a HRIA, a team consists of a supermarket representative in charge of the project, typically a member of the sustainability or CSR team, and a third-party research or human rights consultant. The team should have relevant expertise in business and human rights, political analysis, gender, research methodologies, knowledge of local contexts and languages, and specific skills and issues relevant to the HRIA. The research team should also be independent from the company and have full editorial control over the HRIA's content and recommendations. As a best practice, companies should work with organizations that have already established relationships with and trust of the identified rightsholders.

Interviews with supermarkets as well as analysis of existing HRIAs show that there is a great variety in the skills and capacity among both supermarkets and third-party consultants hired to conduct HRIAs. For supermarkets, a lack of expertise and capacity can largely be attributed to the resources available within the sustainability team, as it was found that supermarkets with larger sustainability teams with more specific expertise on human rights also had the most internal capacity to manage HRIAs. This also enhanced the HRIA reports by third-party consultants: supermarkets with more internal capacity are better able to select a skilled and experienced research team while also being better positioned to manage the HRIA parameters and processes internally.

In interviews with representatives of supermarkets with less capacity in the sustainability team, it became clear that often the people responsible for human rights also have responsibility for many other sustainability topics, such as plastic waste or CO<sub>2</sub> emissions. Since they lack internal resources such as time, budget and expertise, these supermarkets are more reliant on the expertise of a third-party consultant. Unfortunately, as reflected in this report, not all human rights consultants deliver HRIAs that meet core best practices. This in turn may also lead to inadequate action plans that do not meaningfully address the human rights risks in the assessed supply chains.

Companies need to address internal capacity and resources on human rights and invest time and budget into important processes such as HRIAs. These are crucial prerequisites to effective HREDD processes in line with international standards and (upcoming) legislation. This requires commitment from the highest levels of management to invest in (human) resources for the sustainability teams. Where capacity remains limited, it is even more crucial for companies to work with experienced and skilled third-party consultants that can support them through the HRIA process, address challenges, explain methodology, and provide strong support on the analysis of impacts and recommendations. Companies could build in time for consultants to help build this capacity internally, for example through regular meetings and presentations across teams on the HRIA process and

results. Companies can also work with other organizations, such as human rights non-governmental organizations (NGOs) or trade unions, to build capacity and support the design and implementation of the action plan. Sectoral collaboration between supermarkets through joint HRIAs or by building on other companies' HRIAs could also help solve some capacity constraints while enhancing cross-learning.

### LOCAL EXPERTISE: HRIA ON BERRIES FROM SPAIN, BY LIDL<sup>24</sup>

The research team for Lidl's HRIA on berries from Spain subcontracted a local CSO based in Huelva to conduct interviews with berry pickers. The selected team to carry out the field work has built significant expertise on the (gendered) human rights impacts of the berry sector. The local CSO conducted interviews in line with best practices, and the team included a female Arabic-speaking interpreter who enabled communication with Moroccan women working as berry pickers.

Even so, for HRIAs to have merit and result in changes on the ground, companies need to be committed to dedicating time and resources to the process. While the research of HRIAs is outsourced to a third party, the design and implementation of the action plan largely takes place in-house. Conducting an HRIA without the capacity to follow up renders HRIAs moot. *Investing in internal capacity, including by involving people from different departments, and working with skilled and experienced partners and third-party consultants is therefore a necessity to better manage and monitor human rights risks.*

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### Focus on high-risk suppliers

According to the UNGPs, companies should prioritize the most high-risk supply chains, commodities, countries and suppliers that are most likely to contain severe human rights risks.<sup>25</sup> Supermarkets have complex and lengthy supply chains, and many different suppliers. With over 10,000 products on their shelves, a supermarket will not be able to address all adverse impacts at once. The UNGPs recognize that, when necessary, companies should prioritize the most severe human rights risks.<sup>26</sup>

However, current practice of German, Dutch and UK supermarkets shows that risk prioritization is not always the main factor in deciding the focus of an HRIA. While most supermarkets' HRIAs focus on high-risk supply chains with salient risks, several HRIAs focus on low-risk supply chains, which provide limited value in addressing the most severe human rights impacts across the business. Interviews with supermarkets revealed that there may be several other selection criteria, such as order volumes, the existence of a long-term relationship with the supplier, as well as 'practical' considerations. Trust between suppliers and the supermarket was often cited as an important prerequisite to be able to conduct and publish HRIAs and action plans. Practical considerations for selecting suppliers for an HRIA are important and can have merit, for example when conducting a first HRIA as a learning pilot. But basing HRIA selection solely or primarily on practical considerations is not in line with international standards such as the UNGPs and OECD Guidelines.

Companies have a responsibility to mitigate the most severe human rights abuses first, which may include conducting HRIAs in supply chains with the most severe risks, even

if there is limited leverage or trust with suppliers. Only working with trusted suppliers may mean that the suppliers who are not as well connected to large buyers and who may need most support to build up their HREDD systems, are excluded. Avoiding HRIAs in complex supply chains also risks overlooking the most severe human rights risks in the environments where action to protect vulnerable rightsholders is most direly needed. Companies taking this approach run the risk of noncompliance with international standards and HREDD legislation.

Selecting supply chains for HRIAs should start with a broad, company-wide risk assessment to understand which supply chains contain the most severe risks to people, and prioritize based on the most salient risks, specifically those largest in scale, severity and irremediability. *Prioritization does not exempt a company from its responsibility to address less severe issues too: it is about 'sequencing responses in the event that not all impacts can be addressed at once'.*<sup>27</sup> This prioritization should inform which supply chains to select for an HRIA. Other selection criteria, such as volume, leverage and relationship with the supplier should be justified based on how this choice ultimately benefits rightsholders, including the most vulnerable ones.

Interviews also revealed that supermarkets wanted to prioritize supply chains that have not been previously assessed, but struggle to identify HRIAs by other companies since a central database does not exist. Nearly all supermarkets noted that HRIAs are not relevant for many supply chains as they feel they are already aware of all the issues and asserted that in those cases, HRIAs do not provide new information.

Many also stated that the HRIAs of other supermarkets could be almost identically applicable to their own supply chains. This is in line with best practices: where other companies' HRIAs already exist, supermarkets should build on those reports rather than redoing the assessment. In conducting new HRIAs, companies are recommended to select supply chains where little research has been done since this is where the biggest knowledge gaps may exist. Improving sectoral collaboration on human rights could help create mutual awareness of other companies' HRIAs and sharing lessons, and enable working together on creating a shared database of HRIAs.

**Prioritization does not exempt a company from its responsibility to address less severe issues too: it is about 'sequencing responses in the event that not all impacts can be addressed at once'.**

## Invest in internal engagement to enhance effectiveness

Understanding a company's existing procedures on human rights due diligence, as well as its supplier management, buying practices and risk management, are crucial to an effective HRIA. From the interviews with the supermarkets, it became clear that companies highly value the engagement of internal stakeholders, such as commercial/buying teams, throughout the process. However, involving these stakeholders may pose a challenge when resources and time are limited, and when the relevance and importance of human rights to one's position are not widely known or understood.

Understanding the business and actively engaging internal stakeholders was stated as crucial because it:

- creates ownership among all stakeholders and supports the CSR/sustainability team to build trust and get buy-in internally.
- leads to more actionable, practical and feasible actions for a supermarket to be able to implement the recommendations.

- helps to prepare, understand and support the subsequent actions to mitigate and address risks, and to analyse the scope for action.

It is therefore strongly advised to continuously involve internal stakeholders throughout the HRIA process. This could help to increase buy-in for the recommendations and mitigation actions, particularly among those responsible for carrying out the actions, as well as increasing internal capacity on human rights. For supermarkets and other companies acting as buyers, internal stakeholders should include commercial teams and assortment managers. In addition, engaging regularly with senior management or board members is also vital for support and the necessary resources to make a positive impact.

## DATA COLLECTION AND ANALYSIS: ASSESSING HUMAN RIGHTS IMPACTS

After the planning and scoping phase, the research team starts data collection through interviews, surveys and/or focus group discussions (FGDs) with rightsholders and stakeholders, and desktop research, such as reviewing existing research and media reports on human rights issues in the supply chain or internal company documentation, such as audit reports. The data is then analysed to identify and assess potential adverse human rights impacts resulting from the business activities. Data collection and analysis are key to building a solid basis for a meaningful action plan. The next subsection outlines how supermarkets should ensure human rights impacts are assessed effectively and correctly.

### Apply human rights categories and legal frameworks consistently

According to the UNGPs, companies should respect internationally recognized human rights – understood, at a minimum, as those in the International Bill of Human Rights<sup>28</sup> and the principles on fundamental rights set out in the International Labour Organization’s (ILO) Declaration on Fundamental Principles and Rights at Work.<sup>29</sup> A sound HRIA methodology begins with a comprehensive overview of all internationally recognized human rights, including labour rights. This should be the benchmark against which companies’ human rights impacts are assessed. Other relevant standards and conventions should also be considered, particularly in relation to specific groups that require particular attention, such as the rights of Indigenous peoples, women, minorities (national, ethnic, religious or linguistic), children, people with disabilities, and migrant workers and their families.<sup>30</sup>

Yet, half of the analysed supermarket HRIAs do not clearly specify which legal frameworks have been used to assess the risks to human rights. A few HRIAs mention that they are based on ‘all relevant legal frameworks’ but seem to focus mostly on labour rights. Generally, it is unclear whether all civil, political, economic, social and cultural rights are considered, such as the right to education, food, privacy or to information. Only a handful of HRIAs also specify other relevant legal frameworks, such as national legislation, trade agreements and sector-specific regulations. In addition, some supermarkets’ HRIAs start with a pre-selection of ‘relevant’ human rights risks. This seems to be based on several factors, such as the outcomes of a company-wide risk assessment, initial desk research or an analysis of (non)compliance in audit reports. While these types of documents can (and should) serve as a basis for selecting a supply chain for an HRIA, a shortlist of ‘relevant risks’ only based on desk research raises serious concerns. Conducting an HRIA with pre-selected risks means that other salient risks may be overlooked if they were not identified previously, and it creates a narrow framework for rightsholders’ engagement that may not allow them to raise additional or new concerns.

An HRIA methodology always needs to consider all internationally recognized human rights and start its analysis without a preselected focus or framework. Only once rightsholders and stakeholders have been consulted and all (potential) impacts have been scrutinized and agreed upon, can researchers identify which risks are most salient. Taking a holistic approach to human rights risks also means that HRIAs should strongly consider the wider context. This includes the legislative framework applicable to sector, as well as the national and regional context. Many human rights violations are structural and pervasive, such as those linked to poverty and gender inequality and are strongly linked to this context. In their methodology, HRIAs should recognize that human rights are universal and indivisible, interdependent and inter-related.

### **LINKING INTERNATIONAL FRAMEWORKS TO NATIONAL LEGISLATION: HRIA ON PRAWNS FROM VIETNAM, TESCO<sup>31</sup>**

Tesco's HRIA on prawns outlines gaps in the Vietnamese labour protection frameworks compared to international standards. This analysis helps to identify and understand where the most salient risks for labour rights violations are, given that certain aspects of labour standards are not protected by national legislation.

HRIAs that assess impacts at a single supplier level or focus on one preselected issue carry a large risk of overlooking salient issues or misidentifying the human rights violations that are most significant to rightsholders. *HRIAs should take a wider approach by considering all sourcing from a sector in a specific region.* While the identified negative impacts may not be the same for all suppliers, many violations will be common across the sector or have the same root causes. These types of structural human rights issues also demand a different mitigation approach by the company as they may not be adequately addressed at the level of a single supplier.

### **HOLISTIC APPROACH: HRIA ON TEA FROM ASIA, BY ALDI NORD<sup>32</sup>**

Aldi Nord's HRIA on tea actively considers international human rights conventions (explicitly including both the International Conventions on Civil and Political Rights and on Economic, Social and Cultural Rights, and the ILO Core Conventions) as well as national legislation on labour rights applicable to the tea sector. By unpacking these conventions and legislation, it becomes clear that legal minimum wage rates for tea workers are much lower than for other sectors. This demonstrates that scrutinizing all relevant legislation and the barriers to Freedom of Association and collective bargaining is pertinent to a profound understanding of the root causes of some of the identified risks.

The HRIA assesses the identified human rights impacts according to severity and likelihood but recognizes their inter-relatedness and considers that the human rights risks are indivisible and of equal footing. For example, the HRIA identifies that freedom of association 'is also a root cause of several other impacts identified in this study'.



A Cambodian woman from the Kampong Phluk commune preparing shrimps for the drying process. Credit: Banung Ou\Oxfam.

## Interviewing rightsholders: conduct meaningful engagement

Stakeholder engagement is at the core of the HRIA, and the involvement of rightsholders is crucial at every step of the HRIA process. Ensuring the participation of rightsholders requires identifying the groups that should be engaged in the process from the scoping phase of the HRIA (Box 1). During data collection and baseline development, interviews with rightsholders, duty bearers and other relevant stakeholders become a key source of primary data. These interviews aim to gather the perspectives and insights of rightsholders, which will be instrumental in assessing the severity of impacts during the analysis phase.<sup>33</sup>

### Box 1. Overview of stakeholders

**Stakeholders** are individuals, groups or organizations with a vested interest in, or influence over, the business operations or suppliers and those potentially affected by them. Relevant groups include:

- **Rightsholders.** In HRIAs, the focus is on individuals and communities who may be directly or potentially adversely affected by business operations. Examples of rightsholders in a supply chain include workers, small-scale farmers, members of local communities, human rights defenders, customers and end users. This also includes women, children, Indigenous peoples, LGBTQIA+ people, migrants and people with disabilities.

- **Duty bearers.** These are individuals or entities with specific responsibilities or obligations towards rightsholders. Examples in a business context include the company itself, which is responsible for the operation of a project or the conduct of business activities, as well as business suppliers, contractors, joint venture partners or other business relations.
- **Other relevant parties.** Individuals and organizations possessing relevant knowledge or perspectives can contribute to the assessment of human rights impacts. They include diverse actors, such as specialist representatives from multilateral organizations like the ILO, research institutes, national human rights institutions, NGOs, CSOs and trade unions.

Sources<sup>34</sup>: The Danish Institute for Human Rights. (2020). *Cross-Cutting: Stakeholder Engagement. Human Rights Impact Assessment Guidance and Toolbox*; D. Iglesias Márquez et al. (2023). *La participación Significativa de las Partes Interesadas en los procesos de debida diligencia en Derechos Humanos. Guía práctica*; C. Brodeur (2023). *Meaningful Rights Holder Engagement : An Introduction*.

Meaningful engagement with rightsholders is crucial for effective HREDD. It provides a deeper understanding of human rights issues and fosters ongoing dialogue between the company, rightsholders and other stakeholders. However, the analysed supermarket HRIAs differ in the extent to which they include direct engagement with rightsholders. A number of HRIAs did not include any direct engagement with workers, and two HRIAs included engagement with workers by phone or other digital means. Seven HRIAs did not include engagement with NGOs or trade unions.

But even when HRIAs include direct engagement with rightsholders, their input is not always considered adequately. Most HRIAs also do not explain how the information from workers' or rightsholders' interviews has been used to identify risks, or how these consultations lead to certain conclusions regarding human rights impacts. In addition, the rationale behind the selection of rightsholder interviewees is often not justified, leaving it unclear if different types of rightsholders have been consulted.

## TRIVIALIZING RIGHTSHOLDER INPUT

Interviewing rightsholders as part of the HRIA process is not enough: the input of these rightsholders needs to be taken seriously. This is not always the case, and sometimes the concerns of rightsholders are trivialized or understated. For example, an HRIA by Jumbo<sup>35</sup> reports that workers experience pain and health issues related to their lungs, hands, legs and back due to working without proper protective gear and equipment. Yet, the HRIA concludes that the: 'scale of this impact may be seen as rather low, as the health effects tend to be limited to pain and discomfort ... the team did not encounter many people with more serious diseases or health threats related to this impact'.<sup>36</sup>

This appears to trivialize the serious concerns that workers raise. Just because the team did not encounter people with serious health issues, does not mean that the long-term health impacts do not exist, especially if this information has not been verified through other sources.

Four key ingredients must be present to ensure that engagement is meaningful:<sup>37</sup>

### Ingredients for meaningful rightsholder engagement

#### START EARLY AND ENGAGE CONTINUOUSLY



Engagement should start early enough to enable influence on the decision-making process, and companies should share and validate the results with rightsholders.

#### ENSURE INFORMED PARTICIPATION



Participants should be informed about the purpose of their participation and have access to the information and time necessary to engage.

#### FACILITATE THE COMMITMENT APPROPRIATELY



There should be a safe space for open discussion, and barriers to participation should be addressed.

#### ENGAGE INCLUSIVELY



People directly affected by the company's activities must be engaged, which includes a wide range of stakeholders with divergent viewpoints. Participation must be inclusive and sensitive to gender and the participation of the most vulnerable groups.

Meaningful engagement empowers rightsholders, fosters accountability, and helps to understand the impact of human rights on people and triangulate information. It is highly preferable to engage with rightsholders directly, when safety can be guaranteed. If direct engagement is not possible, this should be explained as a limitation in the HRIA. In such a case, if possible, a (legal) representative of the rightsholders should be found instead. In providing a safe environment for engaging with rightsholders, the following considerations must be observed:<sup>38</sup>

- When rightsholders are workers, they must be given the option to do the interviews off-site if preferred.
- No company representative should be present during the interview, so workers can speak freely, without fear of retaliation.
- Participants must have the option of keeping their identity confidential.
- Rightsholders must be able to speak in their own language and the engagement strategy must be culturally appropriate.



### **IMPORTANCE OF RIGHTSHOLDER ENGAGEMENT: HRIA ON CITRUS FROM SPAIN, BY ALDI NORD<sup>39</sup>**

All of Aldi's HRIAs start with an outline of key rightsholders present in or affected by the economic activities in Aldi's supply chain, such as plantation workers, women, factory workers, migrant workers, children, communities and ethnically marginalized groups. In the HRIA report on citrus from Spain, Aldi Nord concludes: 'Many issues identified in this HRIA would often not be identified through document-only verification – highlighting the importance of worker engagement during social audits and enhanced scrutiny of subcontracted labour'.<sup>40</sup>

### **Apply a gender-responsive approach**

Women and gender diverse people often face different and disproportionate negative impacts of business operations compared to men. They also face multiple forms of discrimination that intersect and additional barriers in seeking access to effective remedies, especially many migrant women workers and women of religious or ethnic minorities. In their HREDD, companies need to apply a gender lens to human rights risks, in line with the UNGPs and OECD Guidelines. This section focuses on the disproportionate impacts on women and girls, but a gender lens should be intersectional beyond the gender binary, as explained in the next section on vulnerable rightsholders.

Gender inequality is strongly tied to social norms and structural biases deeply rooted in societies across the world. But gender inequality being a global and structural issue does



Maria with her daughter Lúcia, Minas Gerais State, Brazil. Credit: Tatiana Cardeal / Oxfam Brasil.

not negate a company's responsibility to address its impacts in value chains. As the issue is systemic and persistent, structural barriers and underlying societal norms should be carefully considered to understand how a company can navigate and address gender inequalities. These considerations need to be present in an HRIA to understand the different and potentially disproportionate impacts that women face, and how to best mitigate those impacts.

Though all the identified HRIAs mention gender in some form, there is a great variety in the level of gender sensitivity across supermarkets' HRIAs. Most HRIAs look at gender-specific risks such as discrimination or gender-based violence and harassment. But very few HRIAs also specify how women experience the impact of other rights differently to men, such as access to grievance mechanisms, nor consider the impact of context on the lives of women, such as unpaid care workloads for which women are mostly responsible. In some cases, gender inequality is treated as a given fact or a societal issue with no role for companies to address it. Overall, *supermarkets' HRIAs do not adequately consider how their own business activities and purchasing practices could further exacerbate gendered human rights impacts.*

**Supermarkets' HRIAs do not adequately consider how their own business activities and purchasing practices could further exacerbate gendered human rights impacts.**

## GENDER BLIND ANALYSES AND GENDER INSENSITIVITY

In the HRIA on processed tomatoes by Dutch retailer association CBL, a gender analysis and gender-segregated data is completely absent. In the report, there is very little mention of the human right to non-discrimination. Despite recognition of systemic issues related to the gender pay gap and alarming reports of sexual exploitation of women migrant workers, the HRIA does not examine gendered human rights risks and does not include any recommendations on the issues.<sup>41</sup>

Other HRIAs that do include a more in-depth gender analysis, do not always provide the level of gender sensitivity and responsiveness that best practices require. For example, Albert Heijn specifically selected the supply chain of fresh beans from Morocco<sup>42</sup> because of the high level of gender inequality in Morocco, which could 'pose a risk to [Albert Heijn's] due diligence process'.<sup>43</sup> But despite this, the HRIA often lacks a depth of analysis to meaningfully address the gendered impacts identified. The analysis includes a gender segregated living wage analysis, which showed that all workers are paid a living wage, but the lowest-paid jobs are dominated by seasonal workers, most of which are women. These seasonal workers do not have access to year-round, stable employment and as such, are vulnerable to falling well below the level of a living wage for the year. Among permanent workers who have access to year-round, stable living wage salaries, women are severely underrepresented.<sup>44</sup>

Albert Heijn's HRIA also found that women workers in particular 'self-sacrificed and self-denied basic human needs' such as taking breaks in the shade and drinking water because of the urgent need for family income.<sup>45</sup> Despite this recognition that women workers are at a heightened risk of falling into poverty, and acknowledging that this leads to a high work pressure with serious risks to health and safety, the assessment does not include meaningful recommendations to address this gendered impact. The researchers only recommend that the supplier improves 'its provisions of basic rest and working hours adherence' without tackling the root causes of the high work pressure, such as income inequality, women's lack of access to permanent employment, and low pay in seasonal work.<sup>46</sup>

HRIsAs should be designed with a gender-responsive methodology at all stages of the research. This starts by identifying women and gender diverse people potentially affected in the stakeholder mapping. When collecting data, a gender lens needs to be used to identify specific impacts. Women may face disproportionate human rights risks, such as a heightened exposure to gender-based violence and discrimination, and different impacts of certain risks, such as limited access to sanitation and hygiene (including menstrual hygiene and management) facilities, the absence of which can have more serious consequences and health implications for women than for men, who can more easily and safely urinate without the availability of toilets.

In conducting a gender-sensitive HRIA, the following must be considered:<sup>47</sup>

- Women, and anyone else, should be given the option of speaking separately, without fear of discrimination.
- Women should be able to speak with a women interviewer.
- The interview must be conducted in a location that women can access safely, and at a time that recognizes any additional household responsibilities that women may have (e.g. unpaid care duties).
- Particularly vulnerable sub-groups (such as single mothers, LGBTQIA+ people, children) should be included.
- People with knowledge of the particular rights and experiences of women and gender non-conforming people should be included in the HRIA team.

### **RECOGNIZING GENDER DISPARITIES: HRIA ON WILD CATCH FISH AND SEAFOOD, BY ALDI NORD<sup>48</sup>**

Aldi Nord's HRIA on wild catch fish and seafood details how women experience specific risks differently from men, such as those related to discrimination and equal opportunities in employment: 'Structural challenges to women participating in maritime transport activities, due primarily to long-standing gender norms which favoured male workers. As a result, women seafarers face significant risks of harassment and abuse on shipping vessels, both due to the isolated nature of shipping vessels as a workplace and the predominance of male workers.'<sup>49</sup>

The HRIA also scrutinizes the root causes of adverse human rights impacts on women, supporting a more holistic and comprehensive understanding of gender inequality in the supply chain.

### **GENDER-RESPONSIVE METHODOLOGY: HRIA ON AVOCADOS FROM PERU, BY ALDI SÜD<sup>50</sup>**

This HRIA built in a gender-responsive methodology from the start of the process. Stakeholder engagement included a focus on individual and institutional stakeholders able to provide insight and perspectives on women's roles in the avocado supply chain, including women trade union leaders, women's CSOs, and experts in women's economic inclusion (including in export agriculture). Interviews with all stakeholders included questions focused on human rights impacts affecting women in the sector, both as workers and residents of local communities. In-person fieldwork visits to production sites included a similar focus on impacts affecting women, collecting information on women's workforce participation, company policies and practices on equal opportunities and non-discrimination, a dedicated focus group discussion with women workers, and broader interview questions for managers and workers on their perceptions of human rights impacts on women in the supply chain.

### **Include vulnerable rightsholders meaningfully**

For HRIAs to be meaningful, participation of rightsholders must be inclusive. By considering the unique experiences and needs of different genders, age groups and other intersecting identities such as migrant status or ethnicity, a more comprehensive understanding can be obtained, leading to more effective and inclusive outcomes.<sup>51</sup> According to the UNGPs, companies should pay special attention to human rights impacts on individuals from groups that may be at heightened risk of vulnerability or marginalization and bear in mind the different risks that may be faced by women and men.<sup>52</sup>

Not all supermarkets' HRIAs provided a gender breakdown of interviewed rightsholders, and the majority did not specifically outline how vulnerable groups were included in the engagement. Often, vulnerable rightsholders such as subcontracted workers, including cleaners, service providers and families of migrant workers, are overlooked. Yet it is often these rightsholders that experience disproportionate or different negative impacts. It is unclear whether sufficient attention has been paid to the varied impacts on all vulnerable groups.

In addition, companies must ensure that the safety and anonymity of rightsholders is protected in the HRIA process. Generally, supermarkets' HRIAs disclose little to no information on how the safety of rightsholders is protected throughout an HRIA process, nor how barriers to participation for certain vulnerable groups have been addressed. This raises important concerns about safeguarding in company's HRIA process. Best practice standards in feminist research methodologies should be applied. This includes referral systems and the presence and availability of counsellors and psychosocial support and grievance mechanisms that are tried and tested.

### **INCLUDING VULNERABLE RIGHTSHOLDERS: HRIA ON AVOCADOS FROM ALDI SÜD<sup>53</sup>**

This HRIA identifies various groups of potentially affected rightsholders that have been included in the study and recognizes that these groups are intersectional and not mutually exclusive; for example, workers are also members of the local communities surrounding avocado plantations. The HRIA takes a gendered approach and considers women both as a separate group and as part of the other groups of rightsholders. It also pays specific attention to smallholders, Indigenous communities, migrant workers and children, and identifies which rightsholders are primarily affected by each identified human rights issue.

It is important to identify all vulnerable groups, including those that are difficult to identify and/or reach. When talking to representatives of rightsholders, it is essential to understand who they are representing and whether there are other, more invisible groups that need to be engaged. Key vulnerable groups in agricultural supply chains are women, migrant workers, children, human rights defenders, worker representatives, people with disabilities, Indigenous peoples, minorities, refugees and LGBTQIA+ people. Other potentially affected groups that may not be so evident are also important to include, for instance, workers' families, subcontracted workers, and communities living in the vicinity of production sites.

### **Triangulate, validate and substantiate evidence of human rights impacts**

To identify human rights risks and impacts, it is crucial to cross-check, validate and triangulate findings with different kinds of evidence, including quantitative data when relevant. Triangulation and substantiation of findings are core requirements for a robust HRIA.

However, there is considerable variation in the robustness of the analysis among the HRIAs that supermarkets have published. The statements of workers or other stakeholders are not always triangulated, and often assumptions are made without proper verification. Some HRIAs seem to rely on 'educated guesses', and several conclusions are drawn from data that has not been validated with relevant rightsholders. Sometimes conclusions seem contradictory to the findings or seem unlikely due to the context in which the supplier operates, while sometimes rightsholders' statements are trivialized.

Interviews revealed that supermarkets have difficulties understanding when a risk to human rights is interpreted correctly; whose view is legitimate, how do you deal with cultural differences and address issues properly if there seems to be a contradiction between rightsholders' views and certain human rights? Supermarkets also mentioned the complexity of capturing severe issues such as forced labour and child labour in an HRIA. This difficulty in analysing whether assessments have been conducted properly seems related to the levels of knowledge and expertise among sustainability staff at supermarkets, as well as a lack of resources and time to diligently support and check the work of external consultants. This compounds the risk of human rights impacts being overlooked, or incorrectly and even inappropriately assessed.

## FREEDOM OF ASSOCIATION: A BLIND SPOT WITH UNSUBSTANTIATED CLAIMS

Violations of freedom of association is a salient issue across the agri-food sector, and in most food producing countries, trade unionists face significant threats. According to the International Trade Union Confederation (ITUC), 87% of countries violated the right to strike and 77% of countries excluded working people from the right to establish or join a trade union in 2023. In 44 countries, workers experienced violence and trade unionists were murdered in eight countries.<sup>54</sup>

Since in many countries trade unions are repressed and workers could face retaliation for union activities, it is crucial that companies verify and triangulate findings on freedom of association. Despite the importance of the issue, expertise often seems lacking in supermarkets' HRIAs and in multiple cases, findings on freedom of association are taken at face value and risks are likely underestimated.

For example, in Jumbo's HRIA on mangoes<sup>55</sup>, 'respondents indicated that they were not aware of unions related to their work but would like to join one if possible. As such, no negative impact is found. Freedom of association does not come forward as a particular risk impact.'<sup>56</sup> However, if workers are not aware of any unions, this could mean that there are barriers and restrictions to unionization. It is not clear if this finding has been verified with additional sources.

Similarly, Albert Heijn's HRIA on fresh beans from Morocco<sup>57</sup> found that 'hardly any worker is a member of a trade union', so instead the team interviewed worker representatives.<sup>58</sup> According to the findings, 'workers prefer [worker representative structures] over trade unions', though it is not explained why this is the case nor whether there are barriers that prevent workers from unionizing. The assessment also notes that workers who raise grievances may be put under severe pressure or contract termination when failing to settle. Despite this, the HRIA concludes that 'worker representative structures function well'.<sup>59</sup> It is not clear whether these findings have been triangulated to understand why trade unions are not present in this context. As a result, freedom of association is listed as a low risk without further explanation.

An effective HRIA research methodology involves utilizing multiple complementary research methods, such as interviewing rightsholders and stakeholders, reviewing literature, analysing the context, and identifying root causes. This ensures that a comprehensive understanding of the issues is obtained, as risks cannot be fully identified nor mitigated by relying solely on a single source. For example, a worker may express a preference for using their company's workers' committee complaint procedure instead of a trade union, but it is crucial to verify this information with other sources to determine whether this is due to any concerns about the freedom of association affecting trade unions, such as fear of retaliation against unionized workers. Singular statements should not be taken as conclusive evidence, and instead should be triangulated and verified. Additionally, concerns raised by rightsholders should be further investigated and not dismissed without solid grounds.

### **VERIFICATION OF FINDINGS: HRIA ON AVOCADOS FROM PERU, ALDI SÜD<sup>60</sup>**

The HRIA on avocados from Peru investigated the effectiveness and legitimacy of worker committees as representatives of rightsholders. It states: 'There is very limited trade union presence across the export agriculture sector and, as a result, collective bargaining is rare. There are general reports of anti-union practices on the part of some employers, including harassment of union officials and workers seeking to organise. Worker committees present in many companies as an alternative to unions, have limited scope to serve as an effective mechanism for worker representation. They are often under the influence of management and lack legal status to engage in collective bargaining.'<sup>61</sup>

### **Focus on 'do no harm' and negative impacts first**

The main purpose of an HRIA is for a company to identify and mitigate negative human rights impacts in a supply chain. This is why HRIAs focus on high-risk suppliers where the most salient risks to human rights are found. By their very nature, HRIAs should therefore focus on a company's 'do no harm' agenda: making sure the company's operations or sourcing activities do not cause harm to people and the environment.

However, many supermarkets' HRIAs included positive findings. Arguably, companies could include positive findings as long as negative impacts are prioritized, but this risks



Rafael, with coffee beans and a typical sieve used for farming, Minas Gerais State, Brazil. Credit: Tatiana Cardeal / Oxfam Brasil.

diluting the main purpose of an HRIA. Some of the HRIAs describe the need for a ‘balanced’ overview of positive and adverse impacts. But the UNGPs do not allow businesses to ‘offset’ actual or potential negative impacts on people with the positive development outcomes that may result from a given business activity.<sup>62</sup> For example, creating jobs in an area with high unemployment does not justify poor working conditions. Positive impacts do not make addressing negative impacts any less salient.

Business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights. But this does not offset a failure to respect human rights throughout their operations.

One supermarket interviewee mentioned that the choice to also include positive impacts in HRIAs was related to building trust with the supplier. By balancing positive and negative impacts, suppliers may be more likely to cooperate in the HRIA and take ownership of the results. However, trust can and should be built in many ways that do not negate the purpose of an HRIA. Examples include involving suppliers in an HRIA process from an early stage and making clear that the supermarket will support the mitigation measures and not ‘cut-and-run’ (i.e., drop the supplier) when negative impacts are identified. In addition, trust also needs to be built with rightsholders, and their concerns should be adequately reflected without offsetting negative impacts with positive ones.

### **PRIORITIZING NEGATIVE IMPACTS: HRIA ON COFFEE FROM BRAZIL, BY ALDI SÜD<sup>63</sup>**

In this HRIA, Aldi Süd outlines how it considered positive and negative impacts:

‘Where both a positive and negative impact associated with an activity was identified, the negative impact prevailed. For example, the positive impact of the coffee sector in supporting rural economies was outweighed by the negative impact of farmer incomes being too low to sustain a decent standard of living (as reported occasionally from the sector). As a result, no positive impacts are recorded in the impact assessment findings but evidence of, or potential for, positive impacts does inform the Human Rights Action Plan developed by ALDI in response to the findings of this HRIA.’<sup>64</sup>

It is also important to note that the absence of human rights violations is not a positive impact. Rather, positive impacts are those that go above and beyond the minimum, such as agreements between buyers and suppliers to transfer price premiums to farmers as a living income premium. Even if HRIAs include positive impacts, it should be recognized that negative impacts have priority. Yet several supermarkets’ HRIAs have been based on a research question that does not prioritize the findings of negative impacts, but on ‘positive change’. Formulating the research question in this way may lead to overlooking the negative risks.

The primary focus of HRIAs should be on identifying, preventing and mitigating negative risks to people. While a company may be interested in assessing risks to their business or measuring the positive impact they create, HRIAs must prioritize the mitigation of harm. HRIAs should therefore take a people-centric approach, focusing on the adverse impacts to rightsholders first. It can be helpful to formulate the research question in such a way that it requires an analysis of actual and potential adverse impacts of the business enterprise on people. It can also be useful to be more specific about the purpose and objectives of the HRIA.



### **OUTLINING APPROPRIATE AIMS: HRIA ON BERRIES FROM SPAIN, BY LIDL<sup>65</sup>**

In the HRIA on berries from Spain, Lidl clearly stipulates the goals of the assessment:

The HRIA has the following key aims:

- To understand where and how people are being adversely impacted in the supply chain;
- Gather information on structural human rights risks;
- Capture perspectives from relevant stakeholders and rightsholders; and
- Identify measures to address the risks.

These aims align with the UNGPs and the core purpose of an HRIA by prioritizing the identification of negative impacts and how to mitigate risks.

### **Prioritize risks based on saliency**

With limited time and resources, companies may not be able to tackle all human rights risks at once. The UNGPs recognize that ‘if prioritization is necessary, business enterprises should begin with those human rights impacts that would be most severe, recognizing that a delayed response may affect irremediability’.<sup>66</sup> Severity of impacts is judged based on scale, scope and irremediable character. Scale refers to the gravity and seriousness of the impact; scope is how widespread the impact is (or how many people are affected); and irremediability refers to the (in)ability to restore those affected to a situation at least the same as or equivalent to the situation before the impact (i.e. ability to remediate). Companies should assess identified (potential) impacts based on these factors to prioritize mitigation efforts and understand which actions should be taken in what order.

However, supermarkets’ HRIs vary widely in their approach to explaining how they have identified specific risks as the most important ones. A strong methodology, based on the UNGPs, is key to ensure the most salient risks are captured, and practical and effective recommendations can be formulated accordingly.

Companies are required to be precise about the impact or risk and stipulate clearly which individuals or groups this has an impact on, and in what ways. Simply stating ‘freedom of expression’ as an impact does not define whose freedom of expression is potentially affected and what activity is involved. Because some risks may have larger impacts on specific groups, such as women generally receiving lower wages than men, even if both do not earn a living wage, this distinction is crucial to ensure actions are targeted in a way that mitigates the impact for the most affected groups.

## INACCURATE RISK CATEGORIZATIONS AND UNDERSTATING IMPACTS

Supermarkets' HRIAs often underestimate the severity of identified impacts and fail to prioritize key issues that require mitigation activities. For example, Jumbo's HRIA on citrus from Egypt<sup>67</sup> found that there are significant and systemic gender inequalities in the supply chain and wider society. The assessment notes significant restrictions that women face both in the household and in the workplace. In the citrus sector specifically, the HRIA notes that 'at citrus farms and packhouses, men have more opportunities than women of progressing into a supervision or management position' and women have little opportunity for career development. The study also notes that women face greater income insecurity.<sup>68</sup> The HRIA concludes that 'the likelihood that gender inequality occurs in citrus companies is certainly quite high.'

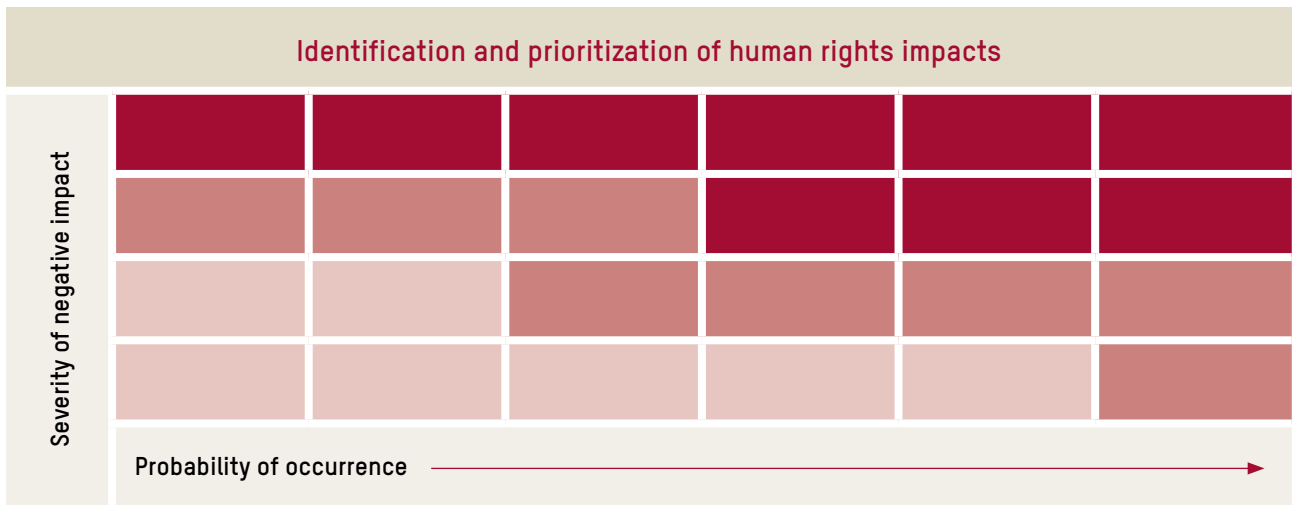
But despite these findings, the impact is assessed as 'minor' because 'the consequences of the impact of gender inequality are not higher than in other workplaces or than in society in general', and 'gender inequality is a fact of life in Egypt'.<sup>69</sup> The HRIA does not include research on how gender inequalities may be perpetuated on citrus farms in Jumbo's supply chain despite noting the specific risks, for example by analysing gender-disaggregated data on living wage gaps. The existence of gender inequality in society also does not negate a company's responsibility to promote gender justice in their own operations and supply chains, nor does it excuse companies from failing to take action against discrimination and inequality. The understatement of the impact and diminishing the suppliers' role does injustice to gender inequality that women in supply chains experience and the responsibility of companies to respect women's rights.

A company's ability to manage risks is defined by attribution, based on whether it causes, contributes to or is directly linked to the impact.<sup>70</sup> This attribution helps understand how much and where the company has leverage to mitigate the impact, and shapes the actions that companies should take. However, this analysis shows that most supermarkets' HRIAs do not assess the company's attribution or only consider to be linked to the risk without contributing to it, often minimizing the impacts that their own purchasing practices have on human rights. This downplaying of the attribution as well as the leverage supermarkets' have over suppliers, lead them to formulate action plans that fail to effectively address root causes of negative impacts. Because the way in which a company is linked to the negative impact influences the tactics to mitigate the abuse, understanding the company's attribution is crucial to develop actionable, practical and meaningful recommendations.

Companies often minimize the impacts that their own purchasing practices have on human rights.

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**Risk prioritization based on severity of impacts**

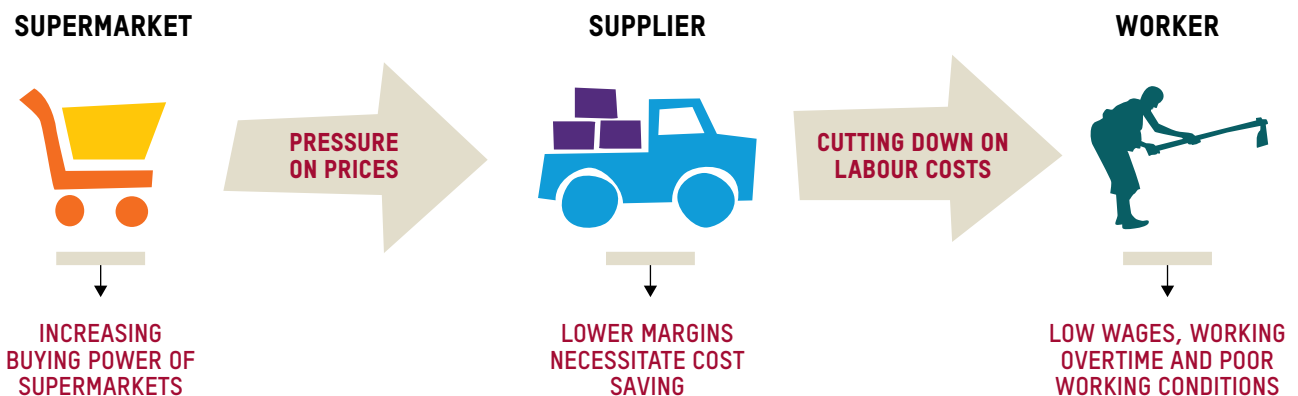


**Address root causes, including purchasing practices**

The complex and interconnected nature of human rights means that most violations cannot be addressed adequately without understanding the root causes. One crucial root cause that companies should investigate is how their own policies and practices cause or contribute to negative impacts. For example, the heavy pressure from buyers on prices may lead suppliers to cut down on labour costs, resulting in low wages for workers. Irregular order volumes or last-minute changes by buyers may result in workers having to work overtime to meet deadlines.

However, only a few HRIAs undertake actual root cause analysis, explaining underlying structures within the supply chain that influence human rights impacts. Here there is a focus on sectoral and commercial drivers, governmental and regulatory frameworks, and contextual drivers such as societal, political, cultural, environmental and broader socioeconomic factors. *Most HRIAs insufficiently recognize or identify the role of supermarkets' purchasing practices as a potential root cause or contributing factor to human rights violations, and instead focus on external factors outside the supermarket's control. Purchasing practices, however, are an area where companies have the greatest leverage, as this is where they could most directly impact change.*

**Labour rights impacts of supermarket purchasing practices**



Interviews revealed that many supermarkets perceive risk identification in the supply chain as the primary objective of an HRIA. Supermarkets differ in terms of their understanding and acknowledgement of their relationship towards human rights impacts further down the supply chain. Some observations from interviews with supermarkets are included below.

- A few supermarkets do not fully comprehend their own role towards human rights impacts deeper in the supply chain. Some emphasized that they wanted to convince their suppliers to do a HRIA on their own operations, including the impacts on communities. This shows that they most likely primarily perceive HRIAs as a risk assessment and the responsibility of suppliers, and do not understand how HRIAs can also investigate the supermarket's own responsibility towards the identified impacts. One supermarket representative mentioned that 'many risks are not associated with us'.
- Most supermarkets understand that their sourcing practices can have an impact on the working conditions in sourcing countries, but state that they have little leverage, often arguing that they are only one of many buyers, and therefore marginalize their own role in perpetuating human rights abuses. This attitude locks companies into inaction, showing an unwillingness to change purchasing practices as long as other buyers are not doing the same.
- One supermarket mentioned that it is difficult to know whether sourcing practices have an impact on human rights violations down the supply chain. 'Unless you do your own value chain analysis, you cannot know the link between your own buying practices and the impact, as you have thousands of suppliers and suppliers have many buyers too.' Interestingly, this is one of the core purposes of an HRIA and should be a central part of the analysis, which seems not to be the case for this supermarket.
- Two supermarkets mentioned that they already know what sourcing practices they should apply to improve human rights, such as long-term contracts with suppliers, and HRIAs do not support them in identifying other purchasing practices that should be addressed. It is not clear if they also implement those better sourcing practices.

Most HRIAs insufficiently recognize or identify the role of supermarkets' purchasing practices as a potential root cause or contributing factor to human rights violations, and instead focus on external factors outside the supermarket's control. Purchasing practices, however, are an area where companies have the greatest leverage, as this is where they could most directly impact change.

## DISREGARDING IMPACTS OF PURCHASING PRACTICES

Purchasing practices of large buyers as a root cause of negative human rights impacts tend to be understated or overlooked in supermarkets' HRIAs. For example, the joint HRIA on tomatoes from Italy by the Dutch retailers association CBL<sup>71</sup> examines the issues surrounding exploitation of seasonal migrant workers through gangmaster systems. The researchers recognize that farmers may choose to use cheap labour through these gangmaster systems because 'prices the farmers receive for their tomatoes are too low to cover the cost. Temporary labour is one of the few variable costs a farmer can cut'.<sup>72</sup> They also acknowledge that these low prices are caused by 'high pressure on sales price of processed tomato products put by international buyers', and as a result 'the primary and secondary working conditions of unskilled labour in the production of tomatoes for processing have been deteriorating over the past years'.<sup>73</sup>

But despite this acknowledgement of the role of supermarket retailers' purchasing practices, the HRIA paradoxically concludes that supermarkets have no influence on the exploitation of migrant workers: 'The issues of (undocumented) migrant workers that desperately search for ways to survive and gangmasters making use of the situation is a systemic issue for many countries around the world and therefore not specifically for Italy. It is beyond the sphere of influence of the Dutch retailers and Dutch premium brand manufacturers to eliminate the existence of caporalato in Italy or prevent (undocumented) migrants to get into Italy and search for ways to earn money.'<sup>74</sup>

The HRIA only recommends that because Dutch retailers supposedly have limited influence, they should focus on raising awareness among supply chain actors. It does not, however, recommend addressing the issue of low prices, despite evidence of its role, stating instead that supermarkets' 'buying practices cannot directly influence criminal or illegal behaviour'.<sup>75</sup>

A wide variety of factors can contribute to a particular human rights risk, ranging from cultural and historical factors to legal frameworks, power dynamics, gender inequalities and trade agreements. HRIAs should look at structural drivers of human rights impacts and how the company has an impact on them. Systemic issues, including market dynamics and impacts of purchasing practices, should be carefully researched. Here, it is important to define attribution and to identify opportunities to mitigate risk or enhance leverage. For this reason, key elements of purchasing practices should be actively considered in the root cause analysis, including pricing, volumes, power dynamics in the supply chain, and impacts of other demands by buyers, such as last-minute order changes or packaging requirements.

All these elements provide valuable information about the root causes of certain salient risks, the impact and influence of a company's business operations on human rights risks, and the scope for potential remedial action.

### **RECOGNIZING IMPACT OF PURCHASING: HRIA ON TEA FROM ASIA, BY ALDI NORD<sup>76</sup>**

Aldi's HRIA on tea states that: 'Low prices are a consequence of price discovery mechanisms and processes which concentrate market information and power with traders. Pricing decisions are based on historical trends which do not reflect the true costs of production and shift the cost burden onto producers, threatening their financial viability.'<sup>77</sup> It also recognizes that the high market concentration of buyers, including supermarket retailers, contributes to this effect: 'From the perspective of tea producers in [Asia], the strong, consolidated buying power among a small monopsony of buyers must also be considered as a potential influencer of low prices.'<sup>78</sup>

The action plan also includes measures on purchasing practices, including rolling out supplier evaluation systems with more emphasis on environmental and social indicators, focusing on building long-term direct trade relations with suppliers, and analysing living wage gaps, though no concrete actions on prices are identified.

## ACTION PLAN AND IMPLEMENTATION: MITIGATING IMPACTS

Once the data collection and analysis have been finalized and the research team has reported its findings, companies need to formulate an action plan based on the identified impacts and recommendations. An HRIA exercise is inextricably linked to the actual goal of mitigating negative impacts on human rights in a company's value chains. As such, an HRIA without clear follow-up activities is not serving its purpose, nor does it contribute in a meaningful way to a company's HREDD efforts.

### Embed the creation of a time-bound action plan

HRIsAs should conclude with recommendations that address all the identified negative impacts and suggest meaningful and reasonable courses of action to mitigate those impacts. These recommendations should be informed by rightsholders' inputs and seek to target actions where the company's leverage or opportunity to change is the largest, including by actively addressing purchasing practices, as well as activities on its own accord or together with other stakeholders.

Companies should then plan actions based on those recommendations. The best action plans are those that are published and are time-bound and reflect the results of the risk analysis. However, many supermarkets' action plans are vague or do not address the issues or risks identified in the HRIA. Many supermarkets do not publish the action plan simultaneously with the HRIA, if at all. Supermarket interviewees indicated that they see the development of the action plan as a separate process. It is crucial for a third-party human rights consultant to deliver an HRIA report with actionable recommendations, and to be involved with the development of an action plan. According to supermarket representatives, this is often not the case, making it difficult to design an effective action plan and causing delays. Engaging all relevant internal departments, such as the buying department, from the start also helps to prevent delays in developing an action plan and builds engagement and support to carry out the actions. While in some cases, companies may need more time to publish action plans, this needs to be released shortly – at least within six months – after the HRIA to ensure relevancy.

A HRIA cannot be meaningful without an effective, time-bound action plan. One interviewee stated that 'publishing an HRIA without an action plan is like a book missing the final chapter. We want to know how it ends.' As best practice, companies should publish an action plan containing time-bound actions and commitments that mitigate the impacts and address the identified root causes and includes how the company intends to monitor the proposed measures. The following good practices are key:

- Specify the resources allocated and roles and responsibilities to implement the proposed measures.
- Include a timeline to address all adverse impacts identified.
- Show how the root causes will be tackled by the company, including how to collaborate with existing efforts and actors as well as new strategies to be implemented.
- Specify the expected outcomes for the rightsholders.
- Specify how the company will monitor and publicly report on the efficiency of the proposed measures.

Apart from addressing the adverse impacts on the ground, companies should also focus on mitigating these risks at a higher level. For instance, if a HRIA found that last minute

order changes cause negative pressure on working hours, this most probably does not only affect one product, supplier or supply chain. Rather than changing those buying practices for the one supply chain, the company should avoid last minute order changes in all supply chains as a best practice, and thereby scale the impacts. In addition, progress on implementing the recommendations and the action plan needs to be monitored continuously and be responsive to new developments and changing contexts, and to maximize learning across supply chains.

### **Involve rightsholders and stakeholders in the design and implementation of actions**

It is crucial to involve stakeholders in the design and implementation of actions that effectively identify, prevent, mitigate and remediate adverse impacts. Stakeholders, including rightsholders, should actively participate in monitoring the implementation of these actions, potentially through participatory monitoring methods. Moreover, stakeholders, particularly rightsholders, should be provided with meaningful and accessible information about the results of the assessment. They should be engaged in a transparent and inclusive manner during the evaluation process.<sup>79</sup>

However, in most supermarkets' HRIAs, rightsholders are only consulted during the data collection, and it is usually not clear if and how they are involved in the follow-up steps. Only Aldi and Lidl describe in most of their HRIAs that they validated the findings with NGOs and other rightsholders or developed measures in collaboration with its suppliers and in consultation with local NGOs and trade unions. Other supermarkets' HRIAs do not explain whether stakeholders were consulted to verify and validate information and did not state whether the findings were communicated (back) to stakeholders, nor whether rightsholders and stakeholders were involved in the action plan design or implementation. Yet effective implementation of measures falls or stands with the input and support of the people who are concerned by those actions. In addition, companies in most cases do not have enough leverage to bring about all the mitigation measures on their own. Working together with stakeholders such as trade unions and local CSOs is crucial to carry out the action plan, socialize results among rightsholders, and ensure that actions are implemented in a meaningful way.

### **Be transparent about the HRIA and the action plan**

According to the UNGPs, businesses should account for how they address their human rights impacts and communicate this externally:

'particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises ... should report formally on how they address them. In all instances, communications should:

- Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences, including in terms of language, format, time, setting and other relevant considerations on accessibility.
- Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved.
- In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.<sup>80</sup>

According to supermarkets, publicly sharing HRIAs and action plans could expose the company to criticism for the disclosed human rights violations within their value chains, and they are worried about legal liability when, based on an HRIA, stakeholders may file

complaints or pursue litigation. In addition, according to companies, public action plans that are too ambitious could form a legal risk if companies are subsequently held to account when failing to fulfil all commitments. In other words, supermarket interviewees suggested that publicizing their human rights issues exposes them to more reputational and legal risks, therefore undermining transparency efforts rather than enhancing them.

Providing transparency towards all stakeholders by publishing and proactively disclosing HRIAs and action plans should not put companies at a greater legal risk than those who do not implement or are not transparent about their HREDD efforts. In the UNGPs and OECD Guidelines, as well as national legislation on mandatory HREDD, companies are not expected to have resolved all human rights risks in all their value chains, but instead need to demonstrate that they are aware of and actively working to respect human rights. Publicizing efforts like meaningful HRIAs and effective action plans contribute to this demonstration of compliance and due diligence. The UNGPs stipulate that companies should report how they address negative human rights impact, while respecting legitimate requirements of commercial confidentiality.<sup>81</sup>

Disclosure in fact insulates companies from legal liability as long as companies also disclose how they plan to mitigate any human rights risks identified. Publishing meaningful efforts also safeguards companies against greenwashing lawsuits, and investors have a legal right to be aware of material risks, which includes human rights risks. Thus far, we know of no lawsuits ignited by HREDD disclosures.<sup>82</sup> In fact, a lack of disclosure could lead to noncompliance with international standards, as well as existing and upcoming legislation on mandatory HREDD.

## Monitor progress on action plan implementation

The core purpose of an HRIA does not end with the action plan, but only begins with its implementation to actually mitigate the negative human rights impacts. For successful implementation, it is crucial that companies monitor the efficiency of the proposed measures and track progress. This can help companies identify which measures are effective and where additional or different strategies are necessary, and who is responsible for each activity at various stages. Continuous monitoring also helps the company to identify when new human rights risks emerge that were not captured in the HRIA, and tackle them accordingly, or adjust actions when the impacts of actions taken are different than expected. Reporting on progress also creates accountability and supports stakeholders in understanding if and how the company is adequately living up to its commitments.

However, most supermarkets in this study have not outlined strategies to monitor and track progress, and action plans in most cases lack qualitative and quantitative indicators to do so. In addition, a few supermarkets (Albert Heijn, Lidl and Aldi Süd) have started some limited reporting on the progress of implementation of mitigation actions or have committed to monitoring effectiveness (Aldi Nord).

### **MONITORING IMPLEMENTATION: HRIA ON TEA FROM KENYA, BY LIDL<sup>83</sup>**

In 2023, Lidl published a progress report on its HRIA on tea from Kenya, outlining whether objectives have been achieved or are still in progress, and what potential next steps are. The report also documents lessons learned during and since conducting the HRIA, as well as an intention to continue gathering learning and revise the strategic approach.



# 4.

## CASE STUDY: HRIA BERRIES FROM SPAIN BY LIDL

To dig deeper into the realities of conducting HRIAs and implementing action plans, Oxfam selected one supermarket HRIA as a case study, to learn from best practices and challenges that retailers may face in conducting an HRIA and draw lessons for improvement. An HRIA by Lidl on the berry sector in the Huelva region in Spain was selected because it is largely in line with best practices and is generally perceived by stakeholders as a good example, yet also has some shortcomings that need to be overcome. In this context, Lidl's HRIA on Spanish berries functions as a case study to learn from what went well and what could be improved.

### THE HUELVA BERRY SECTOR

Huelva is a major agro-export region in Spain, known for producing soft fruits, especially strawberries. Andalusia (the autonomous community in which Huelva is located) is one of four Spanish epicentres for fruit and vegetable exports, along with Galicia, Valencia and Catalonia.<sup>84</sup>

Andalusia has the world's second-largest area covered with greenhouses, with nearly half of them concentrated in Almería, the coast of Granada, Murcia and Huelva.<sup>85</sup> These areas are important food hubs that, in conjunction with the meat industry, shape the policies affecting Spain's food system.<sup>86</sup> Spain produces almost one-quarter of all fruits and vegetables in the EU,<sup>87</sup> and is the largest exporter of fresh fruits and vegetables in Europe.<sup>88</sup> In 2021, it produced about 457,000 tons of berries, of which 79% were strawberries. Of the 361,000 tons of strawberries produced in 2021, 97% originated in Huelva. About 83% of that volume is exported to other EU countries, primarily Germany.<sup>89</sup> The Huelva berry sector comprises over 1,300 producers, which manage 11,740 hectares of land.<sup>90</sup>

Spain produces almost one-quarter of all fruits and vegetables in the EU. In 2021, it produced about 457,000 tons of berries, most of which are produced in Huelva.

The Huelva berry sector employs between 80,000 and 100,000 direct workers and another 60,000 indirect workers.<sup>91</sup> About 50% are Spanish nationals, and another 15% are seasonal workers from Morocco, the majority of whom are women. These women are hired under the Spanish Collective Management of In-Country Hiring (*Gestión Colectiva de Contrataciones en Origen* – GECCO) law, that allows employers to hire non-EU workers who do not live in Spain through what is known as a circular migration programme. Through this hiring process, in 2021 alone, more than 12,000 Moroccan women were employed as temporary workers in the Huelva berry fields.<sup>92</sup> The remaining workers are mainly from other countries

in the EU, mostly men from Eastern Europe, with a lower percentage of workers from sub-Saharan Africa.<sup>93</sup> The most numerous group of workers at 100,000 in peak season are *peones*, farm workers, who carry out the physically demanding tasks of repetitive bending to pick mature fruits in high temperatures and being exposed to toxic agrochemicals. *Peones* are also the lowest paid workers, at between €6.74 to €7.29 an hour.

Human and labour rights abuses have been documented in the Huelva berry sector for at least 20 years.<sup>94</sup> These violations occur in the context of a large-scale production system that increases profit margins by reducing costs. Cost reductions primarily come at the expense of the labour, economic, social and housing rights of both migrant and local workers.<sup>95</sup> These violations occur within the supply chains of leading supermarkets in West and Central Europe, including Germany and the Netherlands.<sup>96</sup>

Migrant workers, especially women migrant workers, are disproportionately affected by these labour and human rights breaches. The reported abuses include misleading and insecure working agreements, particularly putting women migrant workers in vulnerable positions, wages below the statutory minimum wage and insufficient to cover living costs, discrimination, violations of the right to collective bargaining and freedom of association, dangerous and hazardous working conditions, inadequate living conditions and lack of access to adequate sanitary facilities, labour trafficking, gender-based and sexual violence, and environmental degradation leading to water and soil contamination.<sup>97</sup>

Human and labour rights abuses have been documented in the Huelva berry sector for at least 20 years. These violations occur within the supply chains of leading supermarkets in West and Central Europe.

## LIDL'S HRIA

The growing number of reports in recent years on the human and labour rights abuses in the Huelva berry sector have increased the societal pressure on downstream buyers of Huelva berries to address those negative impacts. Lidl notes that many of these issues are not covered in its social audits and recognizes that, as one of the most important buyers of fruit and vegetables from Huelva, it can influence change. By conducting an HRIA and following up with an action plan, Lidl hopes to address these human rights issues. Lidl's HRIA of the red fruit supply chain in Huelva was conducted through a third-party consultancy between March and October 2020. In December 2020, Lidl published a summary of the HRIA report.<sup>98</sup> However, the full report has not been made public. As a result, the analysis here is only based on the public, summarized version, while the full, unpublished version may hold more crucial details, including on the HRIA methodology.

Lidl's HRIA on berries was one of the first HRIs published by a supermarket retailer in the sector. The published HRIA addresses most of the best practice criteria outlined in the Oxfam HRIA Framework, yet there are important points of improvement in the HRIA's methodology and resulting action plan. To learn from both best practices and limitations, this section explores the key lessons from Lidl's assessment of human rights in Huelva's berry sector (Box 2).

### Box 2: Case study methodology

The case study of Lidl's HRIA on berries from Huelva was conducted by an external consultant, Profundo, and is based on a combination of desk research and field research.<sup>99</sup> Profundo conducted a review of literature on the context of berry production in Huelva, paying attention to documented human rights risks and breaches. Sources consulted include Lidl's published HRIA summary report and other public company documents, reports by CSOs, NGOs and human rights organizations, media articles and other online sources, including the websites of Spanish authorities. In addition, a field visit to the berry producing region in Huelva was conducted between 1 to 5 May 2023. During the field research, a team composed of Profundo and Oxfam Intermón staff conducted interviews and FGDs with the rightsholders identified during the preparation phase. Moreover, an interview with Lidl's Head of Global Purchasing and one of its team leaders was also conducted in July 2023. In total, 12 rightsholders and 18 informants representing 13 organizations and six stakeholder groups other than rightsholders were interviewed.

Three FGDs with rightsholders took place, two with male berry workers and one with women migrant workers from Morocco. The FGDs took place in Huelva, away from the berry farms. The FGDs with male workers took place in Spanish and the FGD with women workers took place using a woman Arabic-Spanish interpreter. Interviews with other informants and stakeholders took place on the premises where their organizations operated. Four stakeholder interviews took place via video call. Interviewees were informed about the research objectives and how the information they shared would be used, and their verbal permission to use the information they provided for this report was obtained.

Lidl's HRIA meets the core criteria of conducting a holistic assessment of human rights impacts, engaging rightsholders in a meaningful way, and formulating an action plan based on the findings. Some of the best practices that Lidl applied include:

- **Focus on high-risk suppliers:** Lidl selected the Huelva berry sector for an HRIA based on its annual risk assessment, in which berries were highlighted as a key risk commodity. In addition, Lidl recognized the large volume of berries it sources from this region and the long-term nature of contracts with suppliers as important considerations.
- **Apply human rights categories and legal frameworks consistently:** The HRIA analysis is based on major human and labour rights frameworks, including the UNGPs, ILO conventions, EU Charter on Human Rights, the Universal Declaration of Human Rights, as well as the Spanish constitution.
- **Focus on negative impacts:** Lidl outlines that the key aims of its HRIA are to understand where and how people experience adverse impacts in the supply chain, gather information on structural human rights risks, capture the perspectives of relevant stakeholders and rightsholders, and identify measures to address risks.
- **Assemble a skilled, independent and experienced research team:** Although Lidl did not thoroughly explain its rationale for selecting the research team, it is clear that the contracted researchers are independent and experienced in conducting HRIAs. A local NGO in Huelva was subcontracted to conduct interviews with berry pickers, which included a woman Arabic-speaking interpreter to facilitate interviews with women Moroccan workers.

- **Interviewing rightsholders: conduct meaningful engagement:** With some limitations, there is an overall sense that rightsholders were interviewed in a meaningful way. Stakeholders with divergent views were interviewed. Over one-third of interviewees were rightsholders (34 out of 87), which is a small sample size but meaningful for the purpose of the assessment. Rightsholders were interviewed away from farms and some measures were taken to ensure the safety of informants.
- **Triangulate, validate and substantiate evidence of human rights impacts:** The consensus among stakeholders interviewed for this study is that Lidl sufficiently formulated the salient human rights risks and impacts of its Huelva berry supply chain that largely reflect the lived experience of rightsholders.
- **Address root causes and the purchasing practices:** The HRIA recognizes Lidl's sphere of influence, including purchasing practices such as forecasting terms and conditions and pricing. In this context, last-minute changes in order quantities and packaging formats create pressure on producers and suppliers. The increasing diversification of packaging makes it difficult for suppliers to quickly adapt. According to the producers interviewed for the HRIA, these sudden changes are a reason for not meeting responsibilities towards seasonal workers, such as working hours and breaks. Lidl negotiates prices on a weekly basis with the sourcing agent, without considering production costs. Again, according to the producers, production costs often exceed the price they receive for their berries. Fluctuations in production costs may arise from factors such as minimum wage increases, certifications, or changes in cultivation methods.

Despite the implementation of some best practices, the informants interviewed for this study also noted some significant gaps in Lidl's HRIA, which could limit its effectiveness:

- **Limited scope:** The assessment of Lidl's Spanish berry supply chain focused only on the harvest stage when migrant labour is most numerous. Therefore, findings cannot be directly applied to other stages of the productive process that employ a reduced number of workers, such as planting, crop maintenance, or cleaning of fields after the harvesting season. Lidl recognizes this limitation of scope. Choosing to focus on the stages of the supply chain where human rights risks are most severe is legitimate when resources are limited.
- **Narrow definition of rightsholders:** Lidl's HRIA only recognizes formally employed berry pickers as rightsholders. The report acknowledges undocumented migrants as a segment of the berry-picking labour force, but it does not address the specific human rights risks that this group faces. Likewise, the HRIA does not consider the human rights impacts on the inhabitants of the region surrounding the fields, even though these communities experience the impacts of the environmental degradation caused by the berry industry, particularly in relation to soil and water quality.
- **Lack of gender-responsive analysis:** Lidl's HRIA report fails to clearly identify how the human rights risks affect women differently than men, despite its stated commitment to capturing women's perspectives (and those of migrant workers). While the report does provide a few examples of women experiencing negative impacts due to the poor practices of their employers, it fails to sufficiently highlight the structural causes for these impacts, including the preference of employers for contracting women with specific profiles, the power relations that enable sexual harassment and gender-based violence, and the failure of duty bearers (such as Spanish authorities and employers) to address these human rights breaches and prevent them from happening. Likewise, the HRIA mentions recording the gender of informants, it does not provide gender-disaggregated data: the number of women stakeholders consulted for the HRIA and action plan is therefore not known.
- **Lack of communicating with stakeholders post-HRIA:** Several of the stakeholders interviewed had not previously seen the HRIA report and one had not seen the action



Pineapple plantation, Costa Rica. Credit: Andres Mora/Oxfam.

plan. None of the berry pickers interviewed for this study had even heard of the HRIA, nor of the existence of an action plan. This can partially be explained by the measures taken to assure the anonymity of informants, which may not have enabled Lidl to get in touch with interviewees after the HRIA was completed. Lidl recognizes its limited engagement with rightsholders post-HRIA and stated it had instead focused on working together with other retailers to implement the grievance mechanism proposed in the action plan.

## LIDL'S ACTION PLAN

Based on the HRIA, Lidl published and started to implement an action plan to address the identified human rights impacts. Overall, the CSOs and trade unions interviewed believed that Lidl's action plan was a good step in the right direction but was too limited and was not likely to lead to any significant outcomes for rightsholders.

Some of the best practices that Lidl applied in the design of the action plan:

- **Actions to take the first step:** According to stakeholders, Lidl's proposed actions form a first step in the right direction. Although opinions among stakeholders are divided on which actions are meaningful, Lidl's proposals to engage with civil society, strengthen the monitoring of working conditions, and set up a grievance mechanism were appreciated as good first steps.

- **Stakeholder engagement in the design of the action plan:** To capture the input of civil society, Lidl's consultant conducted a workshop with eight CSOs, trade unions and multi-stakeholder platforms in December 2021. The workshop analysed the main findings of the HRIA and reviewed each of the recommendations addressed to Lidl's supply chain actors, with the feedback informing the action plan published in 2022. The workshop also contained a final information sharing session with representatives from Lidl International, who joined from Germany via video conference. Participants took the opportunity to pose questions to the representatives and share their thoughts on the recommendations. According to the action plan, Lidl's suppliers also contributed to the development of measures to address the results of the HRIA.<sup>100</sup>

However, interviewed stakeholders also noted some significant limitations and gaps with best practices in Lidl's action plan:

- **Ineffective actions:** Informants concluded that the actions proposed by Lidl are too limited and will ultimately not mitigate the identified negative impacts. The CSOs believed that the action plan puts a strong, undue focus on measures that are easy to implement but are not likely to yield results, such as informing suppliers about Lidl's code of conduct without any clear monitoring mechanisms, participating in multi-stakeholder initiatives with no concrete actions, and conducting unannounced social audits despite the experience in the Huelva berry sector that auditing has done little to improve the situation for rightsholders.
- **Lack of indicators to track progress:** CSO representatives highlighted the lack of indicators to measure the effectiveness of the time-bound actions. Neither the action plan nor the HRIA reference indicators to measure whether the activities have resulted in better outcomes for rightsholders. According to Lidl, there are a set of qualitative and quantitative indicators to track progress, but these have not been published. In an interview, Lidl acknowledged that because most of their interventions cannot be quantitatively evaluated, they seek the support of organizations on the ground, but it is not clear if and how this is being done in Huelva.
- **Lack of gender responsiveness in the action plan:** Neither the action plan nor the time-bound milestones in the HRIA appear to be designed in a gender-responsive manner by seeking to actively address the different and disproportionate impacts on women. Moreover, Lidl's proposal to publish a position paper on gender equality is the only hint on actions on gendered impacts, but it is not clear how this will contribute to positive outcomes for women in Huelva. Overall, CSO representatives were sceptical about the gender responsiveness of both the HRIA and action plan.
- **Insufficient evidence of implementation:** Interviewees were asked about the implementation of the activities and milestones in the action plan and HRIA. Overall, they believed that Lidl has not yet sufficiently delivered on the action points in both documents, and it is not clear how it is progressing on implementation.
- **Lack of rightsholder engagement in the implementation phase:** Neither the rightsholders interviewed for this research nor the organizations that represent them have been consulted by Lidl about the implementation of the action plan.
- **Failure to address Lidl's purchasing practices:** Despite Lidl's acknowledgement that its purchasing practices exacerbate human and labour rights risks, it failed to propose actionable points to address these practices, particularly in relation to price pressure. Lidl stated that as a rule, they strive to build long-standing relations with their suppliers and, as part of this, they communicate often about how their demands affect their activities. However, it is not clear how Lidl intends to tackle the key purchasing practices that contribute to labour rights abuses, such as the pressure to sell below production costs, and changes in order quantities and packaging formats.



Cocoa beans in Ghana affected by black pod disease. The resulting crop losses, amplified by climate change and low cocoa prices, push cocoa farmers into deep poverty. Credit: Oxfam Novib.

## A MIXED BAG: GOOD STEPS WITH LIMITED IMPACT

The case study revealed a mixed bag of good practices in the HRIA process and significant gaps, particularly in the design and implementation of the action plan. According to rightsholders and stakeholders, the shortcomings of Lidl's HRIA on berries in Huelva mostly relates to the ineffectiveness of the action plan, which is not gender responsive, inadequately addresses the identified impacts, and fails to adequately address Lidl's own purchasing practices. Overall, the stakeholders believe that Lidl has not yet lived up to its commitments to improve the situation of workers in the Huelva berry sector. During the field research, informants provided examples of how human rights violations are still rife in the sector and continue to be perpetrated by many of Lidl's suppliers.

Nevertheless, interviewed stakeholders and rightsholders feel that Lidl's efforts are a good first step, and the fact that Lidl has chosen to assess and act on the human rights impacts of berry sourcing from Huelva is seen as an important development. Stakeholders particularly laud the HRIA's correct identification of the most salient risks in the berry supply chain and feel that the results mostly reflect reality. The HRIA research team applied some best practice standards in designing the methodology, analysing results and engaging stakeholders with divergent views, including in the design of the action

Even if an HRIA is completely in line with best practice standards, it is the design and implementation of the action plan that makes or breaks these processes.

plan. These meaningful first steps show the potential of using HRIAs as a tool to identify and mitigate negative impacts on people in high-risk supply chains. Since the HRIA on berries, Lidl has conducted and published a number of additional HRIAs implementing best practices that may overcome some of the shortcomings of the berry HRIA.

As such, this case study shows that great first steps are being taken, but there is still room for improvement in conducting HRIAs and applying best practices. Even if an HRIA is completely in line with best practice standards, it is the design and implementation of the action plan that makes or breaks these processes. The core purpose of an HRIA is to identify and mitigate negative impacts of business activities on human rights. It is only with strong and lived commitments to the implementation of an appropriate action plan that HRIAs can serve their purpose and contribute meaningfully to a company's HREDD processes and the eventual mitigation of the identified impacts.



Gloves normally worn by workers during the pre-processing of seafood at Talay Thai Market, Thailand. Credit: Patipat Janthong/Oxfam.



# 5.

## CONCLUSIONS AND RECOMMENDATIONS

In the Behind the Barcodes campaign, Oxfam called on supermarkets to take responsibility for their human rights policies and practices. Several supermarkets in the UK, the Netherlands and Germany committed to conducting human rights and environmental due diligence, including by conducting human rights impact assessments to identify and mitigate negative impacts in high-risk value chains. Some supermarkets made more progress than others. While **Asda**, **EDEKA** and **Rewe** have not made a commitment to conduct HRIAs and have not published any assessments so far, **Albert Heijn**, **Aldi Nord**, **Aldi South**, **Jumbo**, **Lidl**, **Morrisons**, **PLUS**, **Sainsbury's** and **Tesco** have published HRIAs.

However, not all companies publish HRIAs that live up to best practice standards. These best practice gaps include insufficient transparency in publishing full HRIA reports, not prioritizing high-risk supply chains, limited human rights scopes, lacking capacity and expertise in the research team (both internally and externally), failing to engage rightsholders in a meaningful way or to implement gender-responsive approaches, overlooking vulnerable rightsholders, and inadequately addressing root causes such as purchasing practices as part of the analysis.

Without a robust HRIA, supermarkets cannot formulate accurate action plans, and without a strong commitment to address the issues through effective action, the HRIA process will not be meaningful.

This study also found that not all companies are consistently designing and publishing action plans alongside HRIAs, and those that are published are variable in addressing the identified negative impacts in a meaningful way. Supermarkets often downplay their own potential impact and leverage for change, fail to formulate effective actions that actually address the negative impacts, do not consult rightsholders in the design and implementation of action plans, and are not transparent about progress on implementation. Yet ultimately the goal of an HRIA is to mitigate the negative impacts people in the value chain experience. *Without a robust HRIA, supermarkets cannot formulate accurate action plans, and without a strong commitment to address the issues through effective action, the HRIA process will not be meaningful.*

The current state of play also leaves several important but unanswered questions. *Has anything really changed for the better for rightsholders in these high-risk value chains, especially for women who systematically carry the brunt of human rights abuses?* What have companies, from supermarkets to suppliers, gained and learned from HRIA processes? Have the insights of HRIAs actually led to systematic changes in the ways in

which companies operate and source? And what is the way forward on HRIAs as a crucial tool within HREDD processes in the face of existing and upcoming legislation on business and human rights?

While these questions warrant further dialogue between rightsholders, businesses, governments and other stakeholders, *this study revealed the clear added value of HRIAs from the experience of companies already using them as an integral tool to understand and appropriately address the negative human rights impacts of business activities. But for HRIAs to be a meaningful element of companies' HREDD efforts,*

*significant improvements in line with best practices are necessary.* To create a level playing field, governments should therefore implement binding legislation on human rights and environmental due diligence in line with best practice standards, requiring companies to conduct meaningful engagement with rightsholders to mitigate negative impacts in their value chains. In addition, food companies are recommended to:

Has anything really changed for the better for rightsholders in these high-risk value chains, especially for women who systematically carry the brunt of human rights abuses?

- **Make and implement commitments to conduct HRIAs** as one of the strategies to identify and mitigate negative impacts on human rights embedded into the broader HREDD processes. Companies should be committed to gender-responsive HRIAs in line with best practices, focusing on the most salient human rights risks and publishing the findings.
- Plan and scope of an HRIA
  - ✓ **Assemble a skilled, experienced and independent research team.** Companies need to invest in internal capacity with dedicated resources and expertise on human rights, and work with independent and qualified third parties to conduct HRIAs.
  - ✓ **Focus on high-risk suppliers where salient risks have been identified.** HRIAs should be primarily focused on the risks for rightsholders in terms of saliency and severity of (potential) rights violations. Companies may also consider other factors, such as the degree of leverage or practical considerations, but the interests of rightsholders needs to be the main consideration.
  - ✓ **Invest in internal engagement to enhance effectiveness,** including the engagement of higher management and buying departments, as well as other relevant internal stakeholders, particularly those involved in implementing mitigation measures.
- Collect data and analyse impacts
- **Apply human rights categories and legal frameworks consistently.** HRIAs should not start from a pre-selected list of relevant rights or salient issues but take a broad approach to identifying all risks to internationally recognized human rights, at a minimum those in the International Bill of Human Rights, the nine core UN human rights treaties and the principles on fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.
  - ✓ **Conduct meaningful engagement with rightsholders.** This should involve the people directly affected by the company's activities, be timely and ongoing, inclusive and gender sensitive, and use the most appropriate approaches given specific contexts. Engagement should be empowering to rightsholders, with access to the right information and resources, foster accountability and ensure their safety.
  - ✓ **Apply a gender-responsive approach.** Companies need to ensure HRIA processes are gender responsive by design. This includes having gender expertise in the research team, engaging women and women's organizations, and actively considering gendered impacts of business activities and purchasing practices during all stages of the process, including in recommendations.

- ✓ **Include vulnerable rightsholders meaningfully in the HRIA process**, which requires companies to identify groups that may be at heightened risk of marginalization. These vulnerable groups need to be actively considered and engaged, while ensuring their safety and security in the process.
  - ✓ **Triangulate, validate and substantiate evidence of human rights impacts** and avoid relying on a single source, particularly when findings are contradictory.
  - ✓ **Focus on 'do no harm' and negative impacts first** to identify and mitigate human rights risks. When positive impacts are also identified, mitigating harm should take priority.
  - ✓ **Prioritize risks based on saliency.** Prioritization should be in line with the UNGPs, with severity of a (potential) negative impact being the main indicator.
  - ✓ **Address root causes and the company's own contribution to impacts, including purchasing practices.** This includes structural drivers of human rights abuses and the company's impact on those drivers.
- Design and implement action plans
    - ✓ **Commit internally and externally to the implementation of an effective and appropriate action plan and prioritize the mitigation of the identified negative impacts on human rights.**
    - ✓ **Embed the creation of a timebound action plan in the HRIA process.** Rather than decoupling the two processes, taking action should be a core purpose of the HRIA and therefore integrated into the process, including by drawing on expertise from the research team and engaged stakeholders.
    - ✓ **Be transparent about the HRIA and the action plan.** Companies should publish HRIAs and action plans (while protecting the anonymity of rightsholders) and actively share and socialize findings and planned actions with stakeholders.
    - ✓ **Involve rightsholders and stakeholders in the design and implementation of actions.** Stakeholders should not only be consulted in the HRIA data collection phase, but also be included in the action planning and implementation to ensure actions are meaningful and effective.
    - ✓ **Monitor progress on action plan implementation**, including through continuing dialogue with stakeholders and (representatives of) rightsholders. Continuous monitoring also allows companies to adjust actions when contexts change or when actions have a different impact than expected.
  - Advocate for binding legislation
    - ✓ **Advocate for and support implementation of binding legislation on human rights and environmental due diligence.** This legislation should require companies to conduct meaningful engagement with rightsholders to mitigate negative impacts, with HRIAs as one of the tools.

# NOTES

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It should also be noted that several supermarkets are currently undertaking additional HRIAs or developing action plans which may be published in the future. We also note that some supermarkets state to be reviewing their approach to HRIAs and how to implement these commitments.
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