

A Cross Cultural Study of the Implementations of Human Rights in Multinational Organizations

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ABSTRACT

This study was an investigation on the protection and promotion of human rights in Multinational Organizations. Research was conducted to prove how human rights are affected because of rapid economic development and how companies implement fundamental principles established by NGOs and other international treaty bodies, into their operations. The relationship between international business and human rights was also explored and patterns between the two were analyzed. This project also compares and contrasts Spanish and American companies in terms of human rights Declarations and standards recognized by their Constitutions. Each country's labor laws were also examined to see if they comply with international standards.

INTRODUCTION

Human rights are the freedoms and fundamental liberties entitled to an individual without the interference from any government or group. A person's civil liberties are protected by the constitutions that define them and the organizations that exist to promote them. Neglecting to provide protection for an individual's rights is in violation of their well-being and individualism. The implementation of human rights does not go unexcused in any place of situation regardless of the circumstances. However, recently, due to rapid economic development, multinational corporations are becoming more susceptible to violating human rights because of increasing international competition, undistributed wealth, and weak national laws. Past discoveries of violations within high-profile corporations have heightened international awareness and have begun to raise suspicions regarding the role of international business and human rights. This study investigates the relationship between multinational corporations and human rights with regards to the implementation and progression of these constituted freedoms. Research was also conducted to analyze different companies with corporate headquarters all around the globe in order to compare and contrast corporate involvement on an international level. The results of this study will help to focus on the current participation of international enterprises in the promotion and protection of human rights within their operating facilities.

AFFECTS OF GLOBALIZATION

Globalization is the growing interconnectivity among people across the world and implies that all of society is part of the same global community, having the same commitment to universal values. The global economy is changing in many ways, affecting multinational investment, capital markets, technology and trade; more specifically impacting companies, consumers, workers and governments. However, the topic of whether or not globalization is beneficial or threatening is up for debate.

Globalization has opened economies internationally and has encouraged a more open exchange of goods, ideas, and knowledge. More advanced technology has brought more open policies, creating a more interconnected world. This growing independence in economic relations has brought more opportunities for the advancement in trade, investment, finance, organization of global production, and also more social and political interaction between organizations and individuals around the world (World Commission on the Social Dimension of Globalization, 2004). Unfortunately, not all countries are developing with the same outcomes. In other words, some countries, specifically the developing countries, can not utilize these rapidly growing expansions to their advantage.

Although these rapidly developing global changes bring opportunities for the advancement in international business and standardized values, they also have their challenges. Globalization increases the competition between international enterprises because the global interconnectivity makes standards more universal and businesses are able to compete at more of a level playing field. This competition however, leaves corporations vulnerable to more public exposure and pressures on their internal policies and practices. With increasing global competition, all aspects of an internationally recognized business are becoming a public focus, especially pertaining to the employees and their working environment. Increasing global competition puts workers' human rights in jeopardy

because company protection standards are lowered and an employee's civil liberties are often denied; therefore, companies' operations are beginning to be monitored more closely throughout the community.

The United States is seen as the "main driver" of globalization but with a positive attitude. However, with growing pressures for businesses to become more competitive globally, national job concern begins to sprout. International competition in the U.S. drives companies to create corporate mergers and lower wages and the result is a growing rate of unemployment.

In comparison to the rest of the globe, western European countries are also experiencing problems with unemployment due to globalization. Migration also plays a significant role in standard setting and policies in European businesses because of the increasing international competition. As these multinational corporations are becoming more and more competitive globally, the rights of the workers are becoming devalued. The protection of human rights within MNCs is becoming less of a priority and companies are becoming more susceptible to violating their employees' liberties. Globalization has been a factor for previous human rights violations in high-profile events in companies such as Gap, Nike, and Shell. With regards to much public attention, the incidents involved with these companies, helped to amplify global awareness on the protection and promotion of human rights in multinational corporations.

In 1995, Shell Oil become globally recognized for one of the most controversial human rights issues in corporate history. The area with the issues most severe were in Ogoniland, Nigeria, where a movement for the Survival of Ogoni People (MOSOP), led by Ken Saro-Wiwa, "has been at the forefront of the confrontation between the indigenous communities of the Niger Delta, the oil companies, and the government" (www.hrw.org). The Ogoni claimed that multinational oil companies, particularly Shell, with cooperation from the government, have taken over their lands and resources while providing no tangible benefit in return. That same year, members of MOSOP, including Ken Saro-Wiwa, were accused of murdering four Ogoni leaders in an unjust trial and devastatingly executed because of their retaliation for protesting operations of Shell Oil in Nigeria.

In that same year, the American apparel company, "The Gap", was responsible for having poor working conditions in its supplier factories in El Salvador. Today, Gap Inc. is one of the world's largest specialty retailers with more than 3,100 stores, yet its past global operations are still difficult to forget. Accusations of beatings, verbal abuse, sexual harassment and harsh repression of union organization were a few of the many human rights violations the corporation was facing. Negative attention by the media and human rights groups put Gap Inc. in a questionable position. The protesting of Gap stores was ended "only when the company agreed to the demands of anti-sweatshop activists" (Misol 1).

Also in 1996, Nike, another American apparel company, faced allegations of serious human rights violations in its Vietnam factories. Abuse, sexual harassment, and intolerable working conditions were reported activities occurring inside Nike factories. Nike also faced criticism for its use of child labor in Cambodia for the production of soccer balls. The global growth of the economy brought on these pressures for corporations like Nike to produce faster in order to stay internationally competitive but in the exchange of lower human rights standards. The poor decisions of Nike were publicly exposed and policy change was highly recommended (Sullivan 13).

Due to Globalization, countries are expanding their operations at an international level and are operating in different countries all around the globe. But to the disadvantage of some transnational corporations, this becomes more of a challenge because their expanded operations are active in zones of weak governments, questioning a corporation's policies towards abuses, security, poverty, and human rights.

GOVERNMENT ROLES AND NGOS

Events of human rights violations from companies such as Gap, Nike and Shell, have heightened the concern for human rights policies in multinational corporations. However, the expectations of corporations' obligations to setting global standards for human rights are sometimes unclear because there are separate roles between government and commerce; human rights guidelines and policies within transnational corporations are voluntary. Not wanting to be more susceptible to public scrutiny, widely known businesses are beginning to accept more responsibility for their employees, consumers and work environment, by adopting human rights guidelines and establishing conduct codes within the company. Non-government organizations and other international treaty bodies have established guidelines for fundamental rights and encourage multinational corporations to implement them in their policies. With help from the recommended human rights guidelines by NGOs, internationally known companies are gaining more interest to establish corporate human rights principles in order to approach equality and sustainability.

The existing list of human rights organizations and standards that influence corporate policies is almost endless. The international awareness on the protection and promotion of human rights in multinational corporations is overwhelming. Organizations such as Amnesty International and Human Rights Watch report on human rights

issues all around the world and strive to ensure the protection and progression of them as well. Amnesty International is an organization whose vision was derived from the United Nation's Universal Declaration of Human Rights, adopted by the General Assembly Resolution in 1948. Its protection and standards of human rights were established in thirty articles that later set the primary foundation to policies and standards carried out by NGOs and other agencies with the purpose to protect and promote fundamental rights (amnesty.org 1).

The Social Accountability International (SAI), established in 1997, is an organization that promotes human rights for workers around the world. Its SA8000 standards are obtained from the Universal Declaration of Human Rights and the International Labor Organization (ILO) convention. The standards are designed to make workplaces more humane and to also offer more benefits for the company and its employees. Employees that work under SA8000 standards profit from the enhanced opportunity of collective bargaining and to organize trade unions. Also, employees become more educated about their rights which in turn, commits to assure a better work environment. The Corporations as whole, benefits from the SA8000 guidelines because it strengthens and puts company values into action and enhances the company reputation (sa-intl.org 1).

The government's Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises is another influential source for the progression of human rights. "These guidelines are recommendations addressed by governments to multinational enterprises in or from adhering countries that provide voluntary principles and standards for responsible business conduct in a variety of areas (oecd.org 1). The guidelines strive to promote the constructive contributions that multinationals have the potential to make on the advancement of human rights. The OECD Guidelines help policy makers adopt strategic orientations and the government to monitor operations (oecd.org 1).

The Universal Declaration of Human Rights also had an influence on the human rights principles listed in the UN's Global Compact. The UN headquarters in New York in 2004 launched the Global Compact to "seek and to promote responsible corporate citizenship so that businesses can be the solution to the challenges of globalization" (unglobalcompact.org/issues/human_rights 2006). The Global Compact is completely voluntary but with two objectives:

1. To implement its 10 principles in businesses around the world and
2. To continue supporting UN goals.

The 10 principles defined by the Global Compact give hope to international business in terms of finding solution to standardizing human rights guidelines and making them a priority in all multinational corporations.

These organizations and guidelines are only a few of the many examples of strategies for multinational corporations to implement human rights into their policies. The guidelines that NGOs and other international treaty bodies present, pave the way for better social, environmental and culture development for companies, employees, and consumers. Norms set by organizations help companies to develop a code of conduct and provide a benchmark for those companies that already have a code; however, all of these human rights guidelines and standards are voluntary. In order for human rights to develop and progress throughout international business, the responsibility and effort depends on the willingness of the company.

CORPORATE SOCIAL RESPONSIBILITY

Globalization is not the sole factor in the violation of human rights in international business; deficiencies in corporate governance are as well, especially since the role of government is limited. Even though "states have the primary responsibility for promoting and protecting workers' rights under international law, there is still an international consensus that companies also have a duty to uphold worker's human rights" (<http://hrw.org/wr2k6/wr2006.pdf>). Since human rights guidelines such as the Global Compact and OECD guidelines are voluntary, companies can choose their own human rights standards. Some choose to support NGO standards while others adopt their own workplace codes of conduct. However, these codes and initiatives can vary widely in their reach and quality and they often fall short of international laws. Varying human rights standards between companies can also have inadequate monitoring that fails to ensure the success and define the purpose of the guidelines (<http://hrw.org/wr2k6/wr2006.pdf>).

Most multinational corporations are not very open-minded to suggestions for enforceable standards of corporate social responsibility; however, driving forces are pushing companies to voluntarily adopt human rights guidelines. Bigger corporations are being pressured from employees, NGOs, trade unions, investors and consumer groups, to adopt human rights standards within their corporation. Companies do not want to jeopardize their name and brand reputation to its stakeholders by not agreeing to uphold recommended norms for workers' rights. Corporation investment in human rights guidelines will reduce the risk of negative consumer reaction (ec.eurpoa.eu). For these reasons, there have been an increasing number of multinational corporations that are voluntarily committing

themselves to establish business codes of conduct to protect and promote workers' fundamental rights and to set ethical standards of operation and to overall improve social and sustainable development.

Emphasizing on the fact that corporate involvement for establishing human rights standards is voluntary, if companies do decide to establish codes of conduct for their operations, the effectiveness depends on proper implementation and verification. For this reason, codes of conduct should be based off of the International Labor Organization's (ILO) standards and the OECD guidelines and should all be verified in order to guarantee compliance that the purpose to protect human rights is being recognized (ilo.org).

The OECD guidelines for multinational enterprises are voluntary recommendations for all major areas of business, including human rights. Currently, there are thirty member countries and nine non-member countries that are incorporating these norms (oecd.org/about). The ILO is an organization whose objective is to "define and guarantee labor rights and improve conditions for working people by building a system of international labor standards expressed in the form of Conventions, Recommendations, and Codes of Practice (ilo.org 1). They aim to promote rights at work, provide social protection, and ensure equality to improve and create a more productive working environment. The ILO Declaration on Fundamental Principles and Rights at Work were adopted in 1998 and are "an expression of commitment by governments, employers, and workers organizations to uphold basic human rights" (ilo.org). The Declaration covers four areas:

1. freedom of association and the right to collective bargaining
2. elimination of forced and compulsory labor
3. abolition of child labor
4. elimination of discrimination

The majority of top 500 companies in the United States and the United Kingdom have adopted some sort of conduct that was influenced by the ILO guidelines (ilo.org).

Company codes should offer training for managers and employees and corporations should also disclose conduct information to the community on their implementations in order to emphasize their development approach. Also, companies should constantly keep looking for ways to improve their guidelines and the entire conduct code itself. Monitoring codes is the most important because if a code is not being put into practice productively in company operation, then its purpose is being violated. Code monitoring should be done by the stakeholders including: management, employees, investors, suppliers and of course NGOs, in order to prove credibility (**ilo.org**). The Fair Labor Association (FLA) is an organization designed to encourage businesses to promote labor rights in their operations and recommends that they adopt the ILO Conventions and apply them in their standards. The FLA provides a Monitoring Guidance Document that provides information to corporations and external monitors on how to facilitate its Workplace Code of Conduct and the Monitoring Principles. The Monitoring Principles provide a framework to companies and monitors on how monitoring should be conducted to ensure that the FLA's principles are being implemented. Monitoring can be done by gathering external information, worker interviews, management interviews, capacity review, records review, visual inspection, and analysis and reporting (fairlabor.org/all/monitor/compliance, 2005).

Corporate cooperation in the adoption of human rights standards benefits all persons in the business community because it offers equality in all areas of work and sets an international example on social development and corporate involvement. When enterprises make the importance of workers' rights a priority by applying codes, guidelines, and standards, they are establishing a global awareness with the hope that other businesses will follow suit. Also, by making their efforts publicly known, companies are improving their corporate image. Society today has become more ethically conscience; therefore, when businesses emphasize their compliance with highly credible human rights organizations, they become appealing to more consumers and overall profitability. The European Union is concerned with corporate social responsibility because they believe it will assist with their strategic goal to become the most competitive and "dynamic knowledge-based" economy in the world which will lead to sustainable growth and eventually better job opportunities (ec.europa.eu).

The opportunities and benefits that are possible because of corporate responsibility can only exist if the guidelines that define them are implemented correctly and with full compliance. NGOs and other international bodies with the collaboration of governments and a select number of corporations have created norms with the intent to protect and promote human rights and fundamental liberties in the world of commerce. The human rights principles set by international organizations help guide multinational corporations in their attempt at social and cultural development whether it is through codes of conduct or their own set standards.

The Voluntary Principles on Security and Human Rights were developed by governments of the U.S., UK, Norway, Netherlands and NGOs, "who all have the interest in human rights and corporate social responsibility" (voluntaryprinciples.org/participant). There are six principles that all participating agents agreed on in order to

promote and protect human rights in multinational corporations. The six Voluntary Principles as stated on their website are as follows:

1. Acknowledge that security is a fundamental need;
2. Understanding that governments have the primary responsibility to promote and protect human rights, particularly those set forth in the Universal Declaration of Human Rights.
3. Emphasizing the importance of safeguarding the integrity of company personnel and property.
4. Taking note of the effect that companies' activities and decisions affect the local community.
5. Understanding that useful, credible information is a major component of security and human rights.
6. Acknowledge that home governments and multilateral institutions may assist host governments with security sector reform (voluntaryprinciples.org/principles)

The participating parties that helped to establish these principles are made up of governments, companies and other NGOs. Just this year in Washington D.C., the criteria for participation were decided. One criterion is to "enshrine a commitment by participants to report publicly on their implementation of the Voluntary Principles or their support for implementation once formal criteria are finalized" (voluntaryprinciples.org/participants). Participants also agree that the main object is to "guide companies in maintaining the safety and security of their operations framework that ensures respect for human rights and fundamental freedoms. The seven objectives of the guide are listed below:

1. Publicly promote Voluntary Principles
2. Proactively implement or assist in the implementation of the Voluntary Principles
3. Attend meetings
4. Communicate publicly on efforts to implement or assist in the implementation of the Voluntary Principles at least annually.
5. Prepare and submit reported on efforts to implement or assist in the implementation of the Voluntary Principles according to criteria agreed on upon by the participants
6. Participate in dialog with other Voluntary Principles participants and
7. Subject to legal, confidentiality, safety, and operational concerns, provide timely responses to reasonable requests for information from other Participants with the aim of facilitating comprehensive understanding of the issues related to implementation or assistance in implementation of the Voluntary Principles (voluntaryprinciples.org/principles).

The Danish Institute for Human Rights has the main objective to "develop and implement human rights on an international basis in cooperation with state authorities, independent and academic institutions as well as with civil society" (humanrights.dk/international). The Institute focuses on developing methods for multinational corporations to implement human rights guidelines in their company policies and operations.

The Business Leaders Initiative on Human Rights (BLIHR) began in 2003 "to help lead and develop the corporate response to human rights" (blihr.org). The BLIHR finds practical ways to apply the Universal Declaration of Human rights within a business context and inspire other businesses to do the same (blihr.org).

These are only a few of the organizations that have helped corporations establish workers' human rights principles in their company codes and policies. Groups like the BLIHR along with Amnesty International and Human Rights Watch encourage the relationship of human rights and business through the voluntary implementation of guidelines based off of morals, ethics, and constitutional liberties. NGOs and other concerned groups, encourage corporate social responsibility from companies around the globe with the hope to one day achieve standardized norms for businesses worldwide.

The ultimate goal for international business would be to enforce human rights standards through government in order to guarantee participation and level the competitive playing field. Public pressure tends to focus more on the bigger companies because the smaller ones are able to hide under the radar since their standards and operations are not as closely examined. Only binding standards can insure a level playing field and for this reason, businesses are left with two choices, to either continue to play on an uneven field or enforceable rules that apply equally to all companies worldwide. However, enforceable regulations are beginning to emerge. In 2005, the UN human rights body launched a two year process to examine issues of social responsibility. The Commission on Human Rights created a mandate for a high-level expert, appointed in July 2005 by the UN Secretary-General, "to raise awareness of the human rights responsibilities at companies, look at the issues that are slowing down progress, and map a way forward" (hrw.org). The advantage of the directive focuses only on human rights and also brings together governments, companies, and concerned civil society groups from around the world to promote and protect human rights in the workplace. The best way to create an international awareness on guidelines for workers' fundamental rights, is promoting further knowledge about businesses and their corporate responsibility.

Through the promotion of business cooperation, companies get the opportunity to develop socially and culturally while also improving their overall working environment. Established human rights standards creates

stronger relationships between management, employees, consumers and society in general and also gives hope for a more promising future. The Global Reporting Initiative (GRI) is multi-stakeholder governed institution that provides global standards for the promotion of sustainable development. Judy Henderson, immediate past-Chair, Board of Directors says “The GRI is a unique, multi-stakeholder organization founded on the conviction consistent, regular and comparable reporting, provides transparency and can be a powerful catalyst to improve performance” (globalreporting.org/AboutGRI). There are nearly 1000 organizations in over 60 countries that have established their involvement with the GRI reporting framework. This reporting framework guides corporations and organizations on reporting their sustainability performance to promote company progression and improvement in all areas of business. The reporting guidelines contain principles, guidance, and standard disclosures that formulate a structure that cooperating organizations can voluntarily adopt (globalreporting.org/ReportingFramework).

The UN’s Global Compact is a purely voluntary guide to promoting responsible corporate citizenship. Its two main objectives are: to mainstream its 10 principles in business activities around the world and to initiate actions to support UN goals (unglobalcompact.org). The Global Compact’s operational phase launched in the year 2000 in New York and today, thousands of companies from all regions of the world are engaged in its act for corporate and organization development. The Global Compact asks of these participants to “embrace, support, and enact within their sphere of influence a set of core values” that are implanted in 10 principles that focus on areas of human rights, labor, the environment, and anti-corruption (unglobalcompact.org). Since the Compact is completely voluntary, it does not enforce its suggestions of behavior or action in any company, but instead it relies on public influence, transparency, and the obligation of conscience companies, labor and civil society to promote its 10 principles and ideas throughout the world. Human rights still remains to be one of the most challenging areas of corporate citizenship because of international economic, social, and cultural differences. This emphasizes the importance on why human rights need to become a higher priority with the help of corporate governance and responsibility. In order for multinational corporations to accomplish social and sustainable development, they need to become the solution to factors such as globalization and agree to promote guidelines and liberties that help create a more stabilized environment of work. Human rights awareness in international business needs to be more of a corporate focus and a fundamental area that is constantly being improved and recognized. Promoting human rights norms at a global level is creating more opportunities for multinational enterprises to become more socially and culturally sensitive and better their overall relationships in all areas of operation.

COMPARING AND CONTRASTING SPANISH AND AMERICAN COMPANIES

One of the more important objectives for this research study on the implementation of human rights in multinational corporations was to observe the relationship of business and human rights on an international level by comparing and contrasting US companies and European companies with a strong emphasis on Spain. So far it has been established that there are global norms that companies from all over the world share in their advancement to promote and protect human rights but it was in more general terms of reference. This next section looks at the implementation of guidelines set by NGOs and other international organizations from 17 specific businesses; 6 from Spain, 6 from the United States, and a total of 5 between the UK, Australia, and Europe. Comparisons and contrasts will be made between countries on different forms of human rights violations, national laws and regulations, roles and assistance in the progression of human rights, standard influences, company policies, and personal attempts to promote workers’ fundamental liberties and overall development. The motive for the emphasis on Spanish corporations as opposed to any other country is an issue of interest and relevance and Spain is the current location in which the investigation is being conducted. The results of the relationship between American and Spanish corporations will make it possible to obtain a more specific idea on different international implementations and policies used to promote and protect workers’ human rights and fundamental liberties. The findings will also make the strategies and influences of certain companies more clear in respect to what NGO guidelines are currently being employed and the personal attempts by the corporations to aid in their general development.

Multinational corporations around the world comply with international labor standards which “respond to a growing number of needs and challenges faced by workers and employers in the global economy” (ilo.org/standards). The ILO standards define: Freedom of Associations, Collective Bargaining, Forced Labor, Child Labor, Equality of Opportunity and Treatment, Tripartite Consultation, and Migrant Workers. Cases such as psychological, physical, and sexual harassment and discrimination are constantly challenging the human rights values that businesses try to uphold through these guidelines and regulations. Workers’ rights violations and company negligence of action are unfortunately becoming a common theme. In more and more cases in Europe and the U.S., companies neglect to take action in issues involving harassment and discrimination within their corporate walls. A consultant for workplace issues, Mark Braverman, Ph.D, claims, “the harassing and discriminatory behavior can not happen unless the climate allows it” (Dunn, webpressnews.com, 2003) but the “that climate” also

discourages employees from reporting physical and psychological abuses. In the European Union, 15% of workers suffer from psychological harassment on the job and 2% of workers (3 million people) report sexual harassment. In a study done by the University of Alcalá de Henares in 2002, 1 out of 3 employees in Spain have suffered psychological or emotional abuse at work at some point in time. One example of this type of harassment is from a case in July of 2003 when the government of Coria had to pay 4,500 euros to an employee who was forced to work in a basement with neither daylight nor ventilation; the court claimed it was an act of 'moral harassment' (Dunn, webpressnews.com, 2003). The President of Educational Training Services, Jim Landgraf feels, "corporate culture is so accepting of these kinds of aggressive actions, it's not going to go away" (Dunn, webpressnews.com, 2003). In cases of these types of violations, companies tend to avoid the issue and pretend these sort of unacceptable behaviors are normal. For these reasons exactly, workers' human rights guidelines were established by NGOs in order to ensure that these types of situations would not happen. Companies need to constantly be monitored in their operations to guarantee that this type of behavior will not be tolerated. Corporations need to stop ignoring the presence of these abuses and push for legislative measures or if legislation already exists, the regulations need to be executed as was intended.

"El Estatuto de los trabajadores" (Workers' Statute) of Spain was established in 1980 to "fundamentally alter Spanish labor legislation to suit the political and socio-economic situation which emerged in the 1970s. Except in strictly trade union matters, it is now the centerpiece of Spanish labor law" (eurofound.europa.eu/emire/SPAIN). Article 8 of the Spanish Constitution recognizes the right of unions to exist, freedoms of assembly, and rights to collective bargaining and strike. The Statute has been amended many times to constantly accommodate labor regulations to changes in the production system and to strengthen representative trade unions' positions. Spain has many union organizations but is dominated by two; "Unión General de Trabajadores" and "Partido Socialista Obrero Español (PSOE)". Spanish unions have an extremely strong influence with its 2.3 million members but only make up 1/6 of the Spanish workforce; Spain has the lowest levels of unionization in Europe (Britannica.com). Spain's Constitution guarantees the free "foundation and activity of trade unions (Article 7) and also provides 'all person's have the right to unionize freely including right to found trade unions and join one'" (legislationline.org). However, not only do Spanish employees get the right to join trade unions and strike, but they also get access to corporate information and the opportunity to promote their cause freely without the fear of termination. Union participants can not be discriminated against because of their membership and exercise of union rights or in they case if they were to participate in a strike. "Workers can not be fired for taking part in a legal strike and also an employer can not use replacement workers to replace legal strikers" (legislationline.org). Also, elected trade union delegates have a right to paid time-off up to a certain amount of hours per month in order to carry out some of their union duties. Article 68 of the Constitution gives union delegates the right to converse with other workers concerning union issues and the Constitutional Court grants the right to use company email to send union information. Representatives also have the right to receive a good amount of financial and work-related company information (legislationline.org). It is evident that Spain upholds an obligation to the implementation of human rights within its national corporations. It obligingly complies with international labor laws and is constantly trying to progress in terms of social and cultural development. The ILO found that Spain's laws on workplace relations do no violate the freedom of association principles of being able to form and join trade unions and employer organizations and the right to strike and collective bargaining (legislationline.org).

In contrast to Spain, U.S. labor law and practice fall short of international standards. There are many arguments that the U.S. is in serious violation of freedom of association because workers' right to organize is inadequately protected. Take the American company, Wal-Mart, for example; their labor laws are governed by the National Labor Relations Act (NLRA) established by the National Labor Relations Board (NLRB). The NLRB claims to uphold workers' rights "to self-organization to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose other mutual aid or protection" (hrw.org/reports/2007). Unfortunately, the NLRB "standards" have been straying away from international norms more and more, making it less possible for workers in the U.S. to exercise their right to freedom of association. Wal-mart is becoming publicly criticized for its anti-union activity and its aggressive campaign against union formation. In an attempt to discourage employees from organizing, Wal-Mart has held anti-union presentations and videos, expressed to workers that bad results could occur from unions, and has implied in new worker training that if employees strike they could easily be replaced. U.S. labor law goes against international standards by allowing employers to permanently replace workers striking for economic reasons (hrw.org/reports/2007). U.S. labor law allows employers to encourage and even require the attendance at anti-union meetings and not allowing workers the same information in support of union efforts, regardless of the fact that it violates international law of freedom of association. The Universal Declaration of Human Rights declares that "everyone has the right to form and to join trade unions for the protection of his interests" (U.N. Dec. A/810 art.

23(4)). The guidelines of the Declaration are the foundation for other human rights standards including the International Covenant on Civil and Political Rights (ICCPR). The principles of the ICCPR were ratified by and legally binding to the U.S. and states that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests” (ICCPR, Art 22(4), hrw.org/reports/2007). These same principles are also incorporated into the ILO Declaration on Fundamental Principles and Rights at Work and are linked with the freedom of association which is considered one of the ILO’s fundamental rights “which all ILO members have an obligation to protect” (hrw.org/reports/2007). These fundamental rights are then incorporated into the ILO Conventions 87 and 98 which members still have the duty to uphold. Ironically, the U.S. serves as a member to ILO but has not ratified any of these conventions. By knowingly violating international labor laws, the U.S. is abandoning its commitment to the protection of human rights. Companies like Wal-Mart who contradict their own obligations to respect workers’ human rights, set an example to other corporations to commit labor rights violations without having to worry about punishment or scrutiny.

Even though some corporations like Wal-Mart set a poor international example for human rights awareness, not all corporations follow suit; both Spanish and American business have shown great potential in the promotion and protection of human rights in business. Following up on the companies Gap, Nike, and Shell, they have all made great improvement over the last few years in the implementation of human rights guidelines and all continue to progress in terms of development standard setting for their workers’ fundamental liberties. After the 1995 accusations of Gap Inc. for their factory conditions in El Salvador, they have since then worked with management to improve conditions and have collaborated with three NGOs, Business for Social Responsibility, the Center for Reflection, Education and Action (CREA), and Interfaith Center on Corporate Responsibility (ICCR), to form the Independent Monitoring Working Group (IMWG). Gap Inc. believes in a single, standardized industry code for the most efficient way to promote sustainable development and is continuously making an effort to comply human rights guidelines in its establishments all over the world. The apparel company, Nike, has also made similar progress toward its development of human rights. In 2005, with help from the Global Alliance, Nike trained more than 25,000 employees and managers in more than 60 factories in Thailand, Vietnam, Indonesia, India and China on their rights and obligations in the work place. Shell Oil has made substantial improvement within its operating countries by keeping its workers informed and educated about their rights and liberties and also by constantly monitoring their factories to make sure they are always in compliance with their human rights codes and standards.

Other companies that are headquartered in Spain, the U.S., and Europe are also making notable improvements of their company policies and have shown much influence from NGOs and other international treaty body norms. For example, there are currently 15 companies from Spain that operate under ethical standards set by SAI and 3 from the U.S. With reference to the OECD Guidelines for Multinational corporations, Spain has been a member since Aug 3, 1961 and U.S. has been a member since April 12, 1961. It seems that today, bigger corporations are putting forth the effort to accept suggested guidelines and are incorporating them into their business operations. The following chart demonstrates some of the world’s biggest corporations’ strategies for the implementation of human rights in their company practices whether they are through codes, standards, or programs. All information was gathered off of each company’s website and after trying to contact all of the thirteen businesses with additional questions, I was told from all of them that any information that was not supplied on their website was not able to be disclosed to the public.

<i>Company</i>	<i>Headquarters</i>	<i>Type of Corporation</i>	<i>What they do</i>	<i>Human Rights Implementation</i>
BBVA	Spain	Financial Service Group	A multinational financial service group based on people.	<ul style="list-style-type: none"> - Code of Conduct of Ethical Values based off of the Universal Declaration of Human Rights - Global Compact - Conventions and treaties influenced by OECD and the ILO
BHP Billiton	Australia	Natural Resources Company	World’s largest diversified resource company and mining corporation.	<ul style="list-style-type: none"> - Trade Practices Act - Anti-trust laws - Competition Directive of the EU - Global Reporting Initiative Index - UN Universal Declaration to Human Rights - Global Business Conduct - Discrimination/Harassment Policy (Equality in Employment Policy) - Global Ethics Panel

Chevron	USA	Energy Company	The company is engaged in every aspect of the oil and natural gas industry, including exploration and production; refining, marketing and transportation; chemicals manufacturing and sales; geothermal and power generation.	<ul style="list-style-type: none"> - In 2006, they launched a training program for employees to enhance understanding of human rights which more than 1,200 employees completed. Influenced by the Voluntary Principles on Security and Human Rights - Held training workshops on Voluntary Principles on Security and Human Rights - Adopted a Human Rights Statement in 2006 based off of Universal Declaration of Human Rights and ILO's Declaration on Fundamental Principles and Rights at Work - Requires all employees to comply with Chevron Code of Conduct and Ethics Code - Supported relaunch of Global Sullivan principles in 2005
Citigroup	USA	Financial Services Company	Citigroup is organized into three major business groups - Global Consumer, Corporate and Investment Banking, and Global Wealth Management - in addition to one stand-alone business, Citigroup Alternative Investments	<ul style="list-style-type: none"> - Have a Code of Conduct implementing the Universal Declaration of Human Rights and the ILO core Conventions - Communicates its position on human rights to its employees - Strives to support human rights through its supply chain by encouraging actions that are consistent with Citigroup's Statement on Human Rights - Seeks to do business with clients who share their same values.
Gap Inc.	USA	Specialty Retailer	Retail company that manufactures and sells clothing	<ul style="list-style-type: none"> - Featured on the Business and Human Rights Resource Center's list for the "Top 21 Best Human Rights Reports by Companies" for their 2005 Social Responsibility Report - Regular inspections to their factories - Factories that produce Gap apparel must pledge in writing to abide by the standards outlined in their Code of Vendor Conduct based on ILO Conventions - Monitor factories on an ongoing basis - Actively involved in the Joint Initiative on Corporate Accountability and Workers' Rights - Member of the Ethical Training Initiative (ETI) - Member of SAI - Became the 10th member and 2nd only US based company to join BLIHR in 2004 - Global Compact - Global Reporting Initiative - Global Alliance
Grupo Ferrovial	Spain	Construction Company	One of Europe's leading specialists in the design, construction, financing, maintenance, and management of transport, urban and services infrastructure.	<ul style="list-style-type: none"> - Established Code of Ethics - Informing all the organization's members of the principles of sustainable development and social responsibility - Encourage subcontractors and suppliers to adopt principles in line with the Universal Declaration - Collaborate with governments, NGOs, and social partners in projects and activities related to social development - Global Compact - Member of Executive Committee of Global Compact in Spain
Inditex	Spain	Fashion Distributor	Comprised of over 100 companies associated with the business of textile design, manufacturing and	<ul style="list-style-type: none"> - Internal Code of Conduct - Code of Conduct for External Manufacturers and Workshops with the framework influenced by: Universal

			distribution.	Declaration, UN convention on Rights on Minors - Conventions of the ILO - Guidelines are posted in all of the languages of the employees and they are all posted on websites. - Training and awareness action to be implemented in the whole organization
Indra Systems	Spain	Spanish Information Technologies and Defense Systems	Organized around three areas: Information Technology, Simulation and Automatic Test Systems, and Defense Electronic Equipment.	- The Global Compact - Diversity Policy
Nike	USA	Sports and Fitness Company	Produce clothes, shoes, and sporting goods	- Featured on the Business and Human Rights Resource Center's list for the "Top 21 Best Human Rights Reports by Companies" for their 2005 Corporate Responsibility Report - Code of Conduct - Contractors must train employees on their rights and obligations - Global Alliance for Workers and Communities - Sponsors a work after-hours education program
Pricewaterhouse Coopers	USA	Public sector company	A public sector company that refers to the network of member firms of PricewaterhouseCoopers International Limited and provides industry-focused services for public and private clients in order to build public trust and enhance value	- Signed the Global Compact in 2002 - Pricewaterhouse Coopers Code of Conduct based off of "Framework for Ethical Decision Making" - Have cooperated with the Danish Institution for Human Rights - Have cooperated with Business for Social Responsibility
Repsol YPF	Spain	Oil and Gas Company	Repsol YPF is an international integrated oil and gas company, operating in over 30 countries and is the leader in Spain.	- Universal Declaration of Human Rights - OECD Guidelines - Principles and Guidelines established in documents adopted by the Oil and Gas Producers Association (OGP) - Global Compact - New human rights policy: Policy and Respect for People and their Diversity - Included new human rights policy in training programs - Encourages the participation of its employees in actions aimed at supporting human rights in the community - Monitoring of its human rights principles is described in the Guide for Monitoring and Policy and Respect
Rio Tinto	London and Australia	International Mining Corp.	The Group finds, mines and processes the earth's mineral resources	- Universal Declaration of Human Rights - Helped to develop the Voluntary Principles on Security and Human Rights - Early supporters of The Global Compact - online training modules - Employees need to comply with "The Way we Work" company policy - Their businesses complete a comprehensive Internal Controls Questionnaire - "Speak-OUT", a free helpline
Shell Oil	London and	Energy Company	An energy company which explores for produces and trades in a range of resources. Explores for and produces oil and gas and creates essential products from them.	- Featured on the Business and Human Rights Resource Center's list for the "Top 21 Best Human Rights Reports by Companies" for their Sustainability Report 2005 - Compare reports using Universal Declaration - Use the Danish institute's Human Rights

				<ul style="list-style-type: none"> - Compliance Assessment Tool - Set commitment to the Human rights in their Business Principles - Support ILO Conventions - Work with international groups such as Amnesty, Danish Center for Human Rights, Pax Christi - Supports Voluntary Principles on Security and Human Rights - Global Compact
Statoil	Norway	Integrated Oil and Gas Company	One of the world's largest sellers of crude oil and a substantial supplier of natural gas to the European market.	<ul style="list-style-type: none"> - Voluntary Principles on Security and Human Rights - The Global Compact - Member of the BLIHR - States its Ethical Values in "Ethics in Statoil" - Collaborated with Amnesty Int. in 2006 to develop a training program to help employees solve business dilemmas with human rights.
Telefónica	Spain	Telecommunications	One of the world's largest leading telecom companies	<ul style="list-style-type: none"> - The Global Responsibility Initiative - Responsibilities of Transnational Corporations and Other Business Enterprises with Regards to Human Rights - Global Reporting Initiative - International Chamber of Commerce (Anti-corruption Group) - The Global Compact: <ul style="list-style-type: none"> * "Guide Communication on Progress" * "Responsible Lobbying Manual" - Part of a Social Responsibility Group
Xstrata	Switzerland	Mining Group	Grow and manage a diversified portfolio of metals and mining businesses with the single aim of delivering industry- leading returns for the shareholders.	<ul style="list-style-type: none"> - Aim to work with employees, local communities, NGOs, and other stakeholders in genuine partnerships.

While the efforts of these companies, along with other multinational corporations, have been positive, there are still major challenges in holding corporations accountable because different companies do have different policies, codes, and standards. Many initiatives only apply to specific industries and do not have widespread applicability, like the freedom of association for example and Wal-Mart. This working right is not always enforced or implemented in business operation and can violate an employee's right to organize and strike. Also, since codes and guidelines are still voluntary, there are always going to be some corporations that will not comply. For these reasons, an international goal for the legalization of standardized human rights norms needs to be set in order to guarantee more progress towards corporate, social, cultural and economic development. Guidelines need to be binding through government authority in order to one day accomplish a more conscious and aware business and social community.

PATTERNS BETWEEN COMPANIES AND THEIR POLICIES

There is an obvious pattern between the multinational corporations and the benefits they receive from human rights implementation. In two separate research projects undertaken by Tufts University and Impact/HKPC in Gap Inc. garment factories, the results of the relationship between productivity and working environment were similar. In the factories with the most innovative workers' rights guidelines and participation commitment, showed a relatively low turn over rate. Also, productivity levels were higher in the factories where the work environment met company codes and regulations (gapinc.com). This pattern was also evident in other corporations that had similar workplace environments and employees and managers who willingly complied and enforced human rights norms. Better relationships between management, employees and their peers are also a common pattern found in obliging corporations towards human rights progression. An improved work relationship also leads to better productivity and overall profitability (ilo.org).

CONCLUSION

Over the course of the last few years, the business community has seen great economic growth and development around all parts of the globe. Globalization has brought many advantages in terms of technology, trade, interdependence and interconnectivity but it has also brought upon many challenges for many multinational corporations. In order to keep up with productivity and market demands, many companies have spread their operations to an international level and are sometimes operating in countries with weak governments and workers' human rights and sometimes put in jeopardy. However, this study has shown that globalization is not necessarily the only cause to failed human rights norms but it is also the neglect of corporate responsibility and governance. NGOs like Amnesty International and standards based on the UN's Universal Declaration of Human Rights have been established with the sole purpose of protecting and promoting human rights throughout the business community. Research has found that the effectiveness of such standards and regulations depends on the participation of companies and their employees on the implementation of these norms in order to achieve the best results. Corporations such as Wal-Mart set bad examples for other businesses on prioritizing workers' rights and display disloyal obligation when they do not abide by the guidelines set by the treaty bodies in which they are members.

When observing the similarities and differences between articles set in Spanish and American Constitutions for the implementation of human rights in multinational corporations, there were some surprising and unfortunate discoveries. The Spanish "Estatuto de los Trabajadores" (Worker's Statute) was lawful to its declaration and showed great promise in the promotion and cooperation in workers' human rights. Through the principle "freedom of association" defined in the Universal Declaration for Human Rights, Spanish workers have the right to unionization, strike, and collective bargaining under the protection that their fundamental liberties can not and will not be violated. The ILO has found that Spain's laws on workplace relation do comply with the freedom of association principles. On the contrary, U.S. labor law is not in accordance with international standards. The right to freedom of association is in constant violation through the National Labor Relations Board (NLRB) and the fact that U.S. employers are permitted to discourage union formation and enforce the idea upon American workers.

There is hope to corporation compliance with workers' human rights standards by Spanish and American companies. Although companies have established different codes or follow different NGO guidelines, they all have the same goal; to protect and promote human rights within their business operations. Even though legislated international standards would be ideal, voluntary corporate cooperation is necessary for the social and cultural development of multinational corporations until governments make human rights guidelines and codes binding. Until that time comes, businesses need to keep looking for ways to improve their company practices and constantly making the effort to better the guidelines that are currently being implemented.

LIMITATIONS

I did encounter quite a few limitations while trying to conduct my research on the study of implementations of human rights in multinational corporations. I do not feel that the results of my study would be any different based upon the chance that I would not have come across any obstacles. Firstly, I did contact twenty-one companies based around the U.S., Spain, Australia, the UK and other European countries and got replies from eight of them. I asked each company's headquarters similar questions about their progression towards human rights development and their strategies to implement guidelines and was given the same answer by all of them; that they can not disclose any other information that was not posted on their website. Coming into this study, I had the idea that I would interview employees of the featured corporations but later found that that task would be nearly impossible since none of the company headquarters are not located in the city where I currently reside (Murcia).

I also asked people that I know in the University in Murcia for additional information on the subject matter but unfortunately was left empty-handed. I could not depend too much on requested information through other persons because out of the 3 sources who I confided in for help, I was not given the extra information in time.

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