

## True Value of the Human Rights Framework

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The true cost implication of cheaply priced products encompasses far more than one may immediately assess using traditional economic measurements. Cheap production engenders hidden costs known as externalities, which come at the grave price of social and environmental damage. In an effort to achieve the United Nations Sustainable Development Goals (SDGs), specifically Goal eight “Decent Work and Economic Growth”, businesses are beginning to adopt Corporate Social Responsibility (CSR) measures. Hence, they are aiming to integrate social, environmental, ethical, human rights and consumer concerns (Crifo and Forget, 2012). Sustainability is becoming more relevant to the pricing strategies of businesses which is permitting *true value pricing* to emerge. True value pricing is a strategy which allows the consumer to know the true cost of a product based on environmental, social, and economic impacts through the integration of external costs. Calculating every cost that goes into producing and consuming products thus allows consumers to assess the impact a business has on the society and the environment.

Although those ethical products, respectful of society and the environment, may appear more expensive, this can be reconciled by accounting for the long-term costs of unethical products. It is only through awareness and education surrounding these externalities that a consumer can accurately gauge and evaluate the impact of their purchase. To assess the impact of unethical products, we must first qualify the costs. Using the sustainable development goals as a framework for assessing human rights implications, we have established the key human rights that must be evaluated when considering the ethical pricing of a product, from a human rights perspective.

We have based our literature review on the key principles to set up consistent social sustainability strategies. First, a product must meet basic tenants of human rights compliance to be considered ethically priced. Second, a product must be produced in an environment of free and fair contractual employment. Third, a product must be free from forced or child labour. Fourth, a product must be produced by individuals employed in an environment that is free from discrimination, with freedom of association in their employment, and inclusive of fair pay and hours. Fifth, individuals must be treated with dignity and respect in their workplace. Finally, individuals involved in the supply chain of a product must have access to a grievance resolution mechanism in their workplace and be employed in an environment that meets basic health and safety standards.

All parameters for compliance of these elements are measured against international human rights norms, which will be outlined in this document. To ensure a full and holistic evaluation of products, the transparency and traceability of their inputs must be available and accurately assessed. Only through transparency of the supply chain and traceability of the inputs into a product can the individuals involved be identified, and the respect of their human rights be assessed. At slavefreetrade, Swiss NGO, we have developed a Human Rights Framework that could help companies on their journey to reach decent workplace certification (Figure 1). The proposed Human Rights Framework consists of 10 principles that we will further elaborate on throughout this paper.



**Figure 1** *slavefreetrade Human Rights Framework (Own Research)*

#### **Principle one – free from forced labour and human trafficking**

Forced labour is defined in as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ (ILO, 1930). Those subject to forced labour can be victim to freedom of movement restrictions, withholding of ID’s and wages, debt bondage, physical or sexual violence, and threats of such violence or denunciation to authorities. For commodities to be considered free from forced labour they must be without any practices of human trafficking. The United Nations Office on Drugs and Crime (UNODC) determines that Human trafficking compromises of three elements; the act, which includes including recruiting, transporting, transferring, harbouring or receipt of person; the means, which includes the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim, and; the purpose, being exploitation (GTZ GmbH, 2008). For a product to be considered free of forced labour, the individual must be employed voluntarily and without any element of trafficking. The age of that individual is important equally even if this individual agreed to work.

#### **Principle two – free from child labour**

Child Labour is defined as work that deprives a person, under the age of 18, of their dignity, childhood, and potential (UN, 2011). Child labour includes, but is not limited to, work that could be harmful and hazardous, exploitative, and interferes with the child’s schooling or vocational training (UN, 2011). Children should be protected, by national law, from economic and social exploitation. They have a right to be protected from anything that could harm their health, interfere with their education, or impede on their moral or social development. The Universal Declaration of Human Rights, along with

many other international and national laws, continually advocate for the protection and well-being of children. The minimum age requirement may differ slightly in each country. However, no person shall be employed under the age of 15 (UN, 2011). At most, a child between the ages of 13-15 can do light work if it can be proven that the work is needed by them, it does not interfere with their school or vocational training, and it is not damaging to their health or well-being in any way. However, if the work being conducted could in any way harm a child's safety, health, or morals, then the minimum age requirement for that work is 18 (UN, 2011). In accordance with international law, nations, and subsequently companies, have a responsibility to ensure that any child working within a company has adequate pay, hours, rest, coverage, holiday, and safety provided for them. By ensuring the safety and well-being of children, companies would be abiding by the International Labor Organization (ILO) and international legal standards. When a company is focusing on employing adults, they are not only protecting children, but they are also fostering the economic and social development of a country and a community. Ultimately for product to be considered free of child labour, the conditions outlined herein must be met. Once, human trafficking and child labor challenges are addressed, the next important step is to address discrimination practices.

### **Principle three – free from discrimination**

Being free from discrimination is a fundamental human right for every individual both outside of work and within the workplace. This means that no one should suffer discrimination based on the protected characteristics of sex, gender identity, skin colour, age, beliefs, disability, or sexual orientation. The ILO's Discrimination (Employment and Occupation) Convention (no.111) from 1958 was "designed to promote [...] equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination [...]" (ILO, 2011). The ILO also highlights other types of discrimination in the workplace, such as discrimination based on nationality, religion, political opinion, social origin, HIV status or on lifestyle (ILO, 2011). Equal opportunity can thus only be achieved by ensuring freedom from discrimination for all, as discrimination denies the equality of opportunity to individuals (Ghai, 2003). Vulnerable groups who face discrimination may be more at risk of being victims of forced labour and modern slavery, as "discrimination [...] shapes how people are treated in the labour market and helps to create and justify the supply of people vulnerable to forced labour in the global economy" (LeBaron et al., 2018). All forms of discrimination impact the opportunities that individuals may have in choosing their occupation freely and may push some groups in forced or bonded labour conditions which oppose human dignity. To qualify items as ethical products, the individuals engaged in the supply chain must not face discrimination in their workplace. Any form of discrimination can lead to some grievance issues in the workplace.

### **Principle four – access to grievance resolution mechanisms**

The term grievance refers to a wide range of issues that employees can experience over the course of their employment. This includes concerns about wages, complaints of different nature, dispute among employees to potentially illegal actions such as sexual harassment, discrimination or unethical recruitment and human rights violation generally considered. Hence, the grievance resolution mechanism is a routinized, State-based or non-State-based, judicial or non-judicial process that provides a framework to address business related problems and human rights abuses raised by individuals or local communities affected by the business' operations (OHCHR, 2018).

Operational grievance mechanism can assume different forms, depending on the business environment and the economic sector in which companies operate. Regardless of the countless form they can have, the UN guiding Principles 31 defines a set of effectiveness criteria for non-State grievance mechanisms (UN, 2011). Specifically, the mechanisms should be: legitimate, meaning that it should enable trust from stakeholder groups for whose use they are intended; accessible, so as to be known to all affected stakeholders with a particular emphasis on the needs of people who may at a heightened risk of vulnerability or marginalization, such as women, children, migrant workers, person

with disabilities victims of modern slavery or bonded labour practices and members of indigenous communities; predictable, in order to provide a clear and known procedure with an indicative time frame for each stage and clarity on the types of process and outcome available; equitable, with the aim of ensuring that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair terms; transparent, in order to keep parties to a grievance process informed about its progress; Right compatible, so that the outcomes and remedies are in accordance with the internationally recognized human rights and, finally, operational level mechanism should be based on engagement and dialogue with stakeholder groups for whose use they are intended. It is therefore crucial that companies, in creating and using these mechanisms, inform stakeholders of these principles to enable an effective protection against the violation of human rights.

In relation to the general principles governing grievance mechanisms, the ILO's Examination of Grievances Recommendation establishes that any worker acting individually or in a group should have the right to "(a) submit such grievance without suffering any prejudice whatsoever as a result; and (b) to have such grievance examined pursuant to an appropriate procedure". Therefore, employees must let free to submit their complaints without causing any kind of negative consequence to them, also anonymously. Workers should have access to effective grievance mechanisms without fear of penalty, dismissal or reprisal by employers. This is necessary, especially in a scenario where workers intending to submit a grievance are part of a disadvantaged class of people. Workers must be guaranteed that their grievance is properly investigated according to internal procedures suitable for doing so and that a proper remedy will follow the initiation of the procedure. Access to fair, timely grievance mechanisms by individuals in the product supply chain is necessary to consider the product as eligible for ethical pricing. Health and safety in the workplace are key to add to the principle of timely grievance mechanisms available in the workplace as well.

#### **Principle five - health and safety workplace**

The best way to establish a safe and healthy workplace environment is adopting efficient Occupational and Health Management Systems (OSHMSs). A good OSHMS provides organizations with a solution able to protect the health of both employees and public, affected by the occupational environment, while boosting productivity. An OSHMS can be defined as a managerial system that deals with "the development, promotion, and maintenance of the workplace environment, policies and programs that ensure the mental, physical, and emotional well-being of employees, as well as keeping the workplace environment relatively free from actual or potential hazards that injure employees" (ILO, 1998).

A fundamental tool, businesses can use to start creating their own OSHMS is ISO 45001:2018 (ISO 45001) guidelines, set forth by the International Standardisation Organisation (ISO). ISO 45001 is known to be the first set of rules establishing international minimum standards for the protection of workers' well-being in all kinds of occupational environments. Its aim is to improve industrial welfare worldwide by increasing levels of safety and security for all. The publication of ISO 45001 is considered a great international achievement. This set of guidelines represents the chance for all kinds of organizations, all over the world, to improve risk-prevention performances and combat occupational accidents and injuries. ISO 45001 helps organizations in building a solid corporate occupational culture that looks at health and safety as the key factor for an overall growth and not as a mere exercise of compliance with rules and regulations.

The implementation of such guidelines entitles organizations to attain an ISO certification internationally recognized, which proves the enactment of an effective OSHMS. Although the

attainment of this certification does not release employers from their liabilities in the event of work-related accidents, it helps businesses in building credibility and trust among consumers, clients, and commercial partners. The certification can be released only by authorized bodies external to ISO. For a product to be considered for ethical pricing, there must be an established OSHMS within the companies or organizations engaged in the supply chain in question and principles of fair pay and hours.

#### **Principle six - fair pay and hours**

Under the Universal Declaration of Human Rights 'there should be limits on working hours, and people should take holiday with pay' (UDHR, 1948, Art 24), while Article 23 covers the right to employment, fair salary, and equal pay. In addition to the UDHR, The ILO has also largely contributed to fair wage efforts through their Minimum Wage Fixing Convention, 1970 (No. 131) and recommendations (No. 135), and determining fair working hours through publishing two conventions on hours of work, one focusing on 'Industry', 1919 (No.1) and the other on 'Commerce and Offices', 1930 (No. 30). The ILO also aims to ensure the practice of fair wages as an international standard whereby equal pay is set for equal work, resulting in fair pay practices for all employees regardless of gender, ethnicity or any other protected characteristic.

Employees must be paid promptly and fairly for their work. Fair pay is a crucial principle of decent work in that it ensures financial security for individuals and their families. Employers' must also regulate working hours of staff to ensure that they do not work more than the regular and overtime hours determined by their national government, industry standards or international law. Overworking employees can have detrimental consequences on their health and safety, and so, implementation and regulation of fair hours aims to protect the workforces physical and mental well-being.

Fair pay is critical to ensure that workers are compensated fairly for their efforts. Fair pay ensures that workers are paid adequately for their skills, experience, and the value of the work they provide. Fair hours are also important for promoting gender equality and diversity in the workplace. To establish ethical pricing, individuals engaged in the product supply chain must have access to fair pay and hours, as outlined herein. In order to have a fair pay and hour strategy established, freedom of association policy could help to establish this framework consistently as well.

#### **Principle seven - freedom of association**

Within the workplace, Freedom of Association is a fundamental right that enables employees to form and join unions or other worker organisations, without fear of retaliation from their employers. This right is recognised as a cornerstone of workers' rights and is protected under international human rights law, including the Universal Declaration of Human Rights (UDHR, 1948, article 20) and the ILO's Conventions.

Freedom of Association allows employees to come together to negotiate with their employers for better wages, benefits, and working conditions. By forming unions, workers can collectively bargain for fair pay, reasonable working hours, safe working conditions, and protection against discrimination and harassment. Unions can also provide support for workers who face workplace grievances or violations of their rights and can help ensure that the employer adheres to labour laws and regulations. Moreover, Freedom of Association also plays a critical role in promoting democracy and good governance within the workplace. It encourages greater transparency and accountability and provides workers with a platform to voice their opinions, express their concerns, and contribute to decision-making processes. By enabling workers to participate in workplace decisions, employers can benefit from their input, insights, and expertise, leading to more informed and effective decision-making.

Closely linked to Freedom of Association is the right to Collective Bargaining, which allows workers to freely negotiate their working conditions with their employers. It enables workers to have a say in the terms and conditions of their employment and to ensure that they are treated fairly and with dignity.

By forming unions or other worker organisations, employees can pool their resources and leverage their collective power to negotiate with their employers on a more equal footing. This can lead to better wages, benefits, and working conditions for workers, as well as greater job security and protection against arbitrary dismissal. Collective Bargaining can also have broader societal benefits, such as reducing income inequality and promoting economic growth. By providing workers with a fair share of the value they create, collective bargaining can help to reduce poverty and increase social mobility. Additionally, by improving working conditions and job security, collective bargaining can contribute to greater workplace productivity and innovation, leading to stronger and more competitive businesses. These rights apply to all workers, regardless of their race, religion gender, occupation nationality, or political opinion. Consequently, ethical pricing must consider whether individuals in the product supply chain have freedom of association that should be documented as the right in their appropriate employment contracts.

#### **Principle eight – appropriate employment relations and written contracts**

Employment relations describes the relationship that exists between employees and employers. This relationship may vary between states, but it must consider relevant international labour standards. An employment relationship can be considered to exist when one party is instructing, one party is carrying out the work within specific working hours at a specified agreed-upon location, there is continuity in the work, relevant provisions are provided, and there is the periodic payment of remuneration to the worker.

Consent to enter into a legally binding written contract is essential to establish the existence of an employment relationship. There can be no misrepresentation or undue influence to obtain a worker's consent to enter a contract, and the conditions – such as terms of reference, wages, working hours, supplies, benefits, notice period, and dispute mechanisms – must be clearly stated and provided accordingly. It is the employer's responsibility to clearly establish the employment relationship, ensure that there are contractual arrangements in place that are clearly understood by both parties, and adequate and appropriate training is provided to the employee. There should never be any uncertainty as to the existence of an employment relationship.

The written contract, and the terms therein, must be provided to the employee in a language that they can comprehend. Within these contracts, workers and employers should have effective access to settle any disputes between them in accordance with national law and practice. There should also be special attention given to addressing the gender dimension to ensure that there is gender equality in the workplace. The employer should aim to eliminate any discrimination by putting measures in place that help to facilitate equal opportunity and treatment regarding access and conditions of employment, wages, training and career development that would lead to the principles of dignity and respect as well.

#### **Principle nine - dignity and respect**

To promote a culture of dignity and respect it is necessary to identify inappropriate and potentially unlawful behaviour and to define how any such behaviour should be addressed. It is therefore essential to prevent prohibited conduct in the workplace that may infringe on the right of workers to be treated with dignity and respect and not be subjected to unlawful discrimination.

The 2007 framework agreement on harassment and violence at work signed by the European social partners describes violence and harassment at work as unacceptable behaviour by one or more individuals [that] can take many different forms, some of which may be more easily identified than others ... harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work. Violence occurs when one or more worker or manager are assaulted in circumstances relating to work. Harassment and violence

may be carried out by one or more managers or workers, with the purpose or effect of violating a manager's or worker's dignity, affecting [their] health and/or creating a hostile work environment'. The above is not the only definition of harassment provided at European level, but the same concept appears in several EU Directives including Directive 2002/73 where harassment is defined as a situation 'where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment' (EU Directive, 2002/73).

The Violence and Harassment Convention, adopted by the General Conference of the ILO in June 2019, defines 'violence and harassment' in the world of work as 'a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, [including] gender-based violence and harassment' (ILO, 2019). Harassment in the workplace often involves protected characteristics in those cases where the unwanted conduct is related to a relevant protected characteristic of someone with whom the individual is linked with or where the person is assumed to have the pertinent protected characteristic. Physical, verbal, and nonverbal forms of harassment can take place in a variety of contexts. The conduct does not have to be aimed at a specific individual to constitute harassment. Harassment related to religion or belief, disability, sexual orientation, age, race, nationality, or ethnic origin all qualify as harassment.

Bullying can be described as 'Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient' (ILO, 2022). Bullying can also be described as aggressive, threatening, malicious, or insulting behaviour as well as the abuse or misuse of authority for purposes of undermining, humiliating, demeaning, or harming the target. Bullying could potentially qualify as illegal discrimination. Bullying is mostly recognised by how acts affect a person. It frequently, but not always, occurs when there are no witnesses, and it can be quite subtle.

Abuse of authority is also to be regarded as prohibited conduct because it consists in 'the improper use of a position of influence, power or authority against another person' (UN Secretary-General's bulletin, 2019). The issues related to an abuse of authority are 'particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation, working conditions or promotion' (UN Secretary-General's bulletin, 2019). Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.'

Dignity and respect for workers establishes the right of workers not to be subjected to unlawful discrimination such as harassment, abuse of power, bullying and discrimination of any kind. While waiting for a uniform and comprehensive discipline at an international level, the application of and respect for the principle of dignity and respect for workers is to date mainly guaranteed at company level thanks to policies, guidelines, and code of conducts established by the company or the organisation itself. Ensuring ethical pricing considers these elements, it is essential that individuals can speak to the culture of their respective workplace, cite codes of conduct established by their company's or organizations' and confirm the non-discriminatory nature of their workplace within the product supply chain.

#### **Principle 10 – supply chain transparency**

As companies increasingly outsource goods and services abroad, supply chains risk becoming black boxes where forced labour can quietly proliferate. Tracing supply chain and making it transparent help

cast light on the line of production and reduce space for forced labour to hide. Indeed, traceability requires companies to monitor all levels of their value chain so that they can identify and reject instances of forced labour and modern slavery. Disclosure of information on supply chains (i.e., transparency), instead, enables consumers to know companies' performance at the ethical level - including respect of labour rights - and provides consumers with tools to make informed decisions on their purchases. During the last decade, multiple initiatives to ensure supply chain traceability and transparency have been adopted at both the international, national and company level. They mostly consist of due-diligence regulations and codes of conduct with the end goal of tackling forced labour throughout supply chains.

At an international level, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of the ILO is one such example. It requires that enterprises "carry out due diligence to identify, prevent, mitigate and account for how they address their actual and potential adverse impacts on internationally recognized human rights" (ILO, 2016). In 2016, ILO also adopted a resolution recommending that governments establish due diligence procedures for state-owned or controlled enterprises across their supply chains. Moreover, for all the elements of human rights in supply chains of products to be assessed, they must be readily available for evaluation. As such, transparency and traceability of a supply chain is paramount in the process of ethical pricing.

### **Conclusion**

Human rights compliance of any given product can be qualified against international norms and effectively quantified when evaluated through assessment of the individuals involved in production. A product must meet the basic tenants of compliance as outlined herein when assessed against key human rights principles the industry evolves and best practice improves globally, precedent has been established for measuring human rights compliance within any given supply chain which is transparent and whose inputs are traceable. Transparency and traceability serve as the basis upon which all other relevant human rights indicators can be assessed and serves therefore as the foundation upon which ethical pricing can be established. While it remains the imperative of the consumer to choose products that meet the ethical standards of their choice, it is not a simple process. The identification of hidden costs impacting human rights companies shift towards higher levels of Corporate Social Responsibility compliance, and consumers increase their respective awareness of hidden costs, the qualification of human rights compliance can more readily and visibly be made clear to those who choose to engage in ethical pricing.

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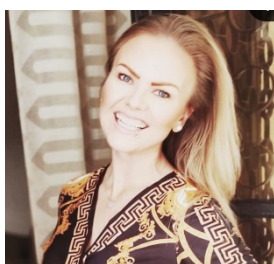
## About the Authors

### Brian Iselin



Brian is a former Australian soldier and Federal Agent. A 36-year professional, he has spent the last more than 20 years working on modern slavery and human rights abuses in supply chains. He is Secretary-General of Swiss NGO, slavefreetrade International, and Owner of his own consultancy, Iselin Human Rights

### Robyn Savage



Robyn Savage, Co-Chief Human Rights Officer for slavefreetrade is a senior humanitarian professional, currently leading the humanitarian response in Northeast Syria as Director of the Non-Government Organization Forum. Holding a Master’s in Human Security and Peacebuilding, BA in International Security and a background in negotiation, mediation, and leadership in conflict settings, Robyn Savage holds over 15 years field experience in humanitarian and development response alike. An education and gender specialist, with extensive child protection experience, she has worked for

both INGO as well as UN. Her geographical experience spans across Asia, Central Asia, Africa, and the Middle East. Recently deployed to Ukraine for emergency response, she has also contributed to specific technical interventions in the Caribbean, as well as South America. Throughout her career she has worked with those who are most exploited by the world's largest supply chains, with a strong focus on the world's worst forms of child labour. She knows first-hand how improving workers' rights within supply chains could change the entire aid system. Improving the opportunities for meaningful, human rights respecting employment in the world's most exploitative industries would provide financial autonomy, safety, and security to an employee, with compounding positive effects for their families and communities. Such an approach would have multiplier effects on child protection, levels of education as well as healthcare. Effective, accountable, productive human-rights based supply chain management would halve the world's need for aid.

#### **Dr. Larisa Kryachkova**



Dr. Larisa Kryachkova, CPA, has 25 years of experience in the packaging (metal and glass) manufacturing industry. Throughout her career, Larisa held executive corporate roles in the domain of Pricing, Commercial Excellence, Strategy Development, and Sustainability. Currently, she is the Chief Human Rights Officer at slavefreetrade, a Swiss NGO aiming to bring consumers and businesses together to overturn modern slavery and to build a global economy founded on goods and services that have harmed nobody in their making (social sustainability).

#### **Davide Sirotti**



Davide is a young trainee lawyer practising at the European Court of Human Rights. After graduating with honours from Alma Mater Studiorum University of Bologna, Davide obtained an LL.M. from King's College London in Transnational Law, specialising in the field of human rights. Davide works with Slavefreetrade International as a human rights manager.

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Leila is a dedicated human rights advocate holding a Master's degree in Human Rights Law and Political Science from The University of Manchester. Currently working as a policy advisor in the constitutional policy directorate of the UK Ministry of Justice, she specialises in domestic human rights. As a Human Rights Director at slavefreetrade, Leila has devoted the past year to promoting decent work practices and raising awareness about modern-day slavery.

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Isabella is a human rights advocate who holds an LLB in Law from the University of York, and an LLM in Public International Law from the University of Nottingham. She has previously worked as a consultant for United Nations Environment Programme, and with various NGO's on matters related to international humanitarian law, prison law, freedom of religion, and sustainable development. Isabella has been working as a Human Rights Director at slavefreetrade International.

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