RESPECTING HUMAN RIGHTS FROM PERSPECTIVE OF MANAGING DIVERSITY IN ORGANIZATION – GOOD PRACTICES

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Abstract
Historically, the prevailing view has been that norms pertaining to human rights have applications only in the activities of states (governments), and not in the private sector. Every organisation in every sector has both influence and responsibilities when it comes to human rights. However, applying policies, the proliferation of voluntary initiatives and the belief that every organisation is responsible for respecting human rights, are all indicative of progress. Nonetheless, they have not resulted in the complete upholding of human rights at organisations. The workforce throughout the entire world is becoming more diversified. There is a lot of diversity on all ethnic, cultural, religious, linguistic and age backgrounds. The diversity of human resources is not a new phenomenon. For this reason, organisations require more diversity to become more innovative. The aim of this article is to present the role of the concept of diversity management in respecting human rights at an organisation. The goal has been reached through literature analysis, observations of social change and economic practice, a review of foreign and domestic research as well as the author’s own qualitative analysis of 50 strategies from international corporations. The conclusions from these analyses indicate that incorporating the concept of diversity management into companies and taking advantage of it, fulfils the obligations of organisations regarding the respect of human rights.

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Introduction
Every organisation in every sector has influence and responsibility with regards to human rights. Obviously, organisations can have a positive or negative influence on an entire spectrum of issues regarding human rights, including discrimination, sexual abuse, health and security, freedom of assembly and creating workers’ unions, rape, torture, freedom of speech, privacy, poverty, food and water, education and housing. An approach concerning human rights, requires an organisation to respect all human rights. There is no possibility of selecting and taking actions by organisations limited only to these issues, with which they feel comfortable with. The scope of human rights consists of a universally-recognised and focused on people approach to both the social and environmental impact of enterprises. Some companies have alleged that their only duty is respecting national laws, even if these regulations did not meet international standards for human rights. Of course, applying policies, the proliferation of voluntary initiatives and the belief that every organisation is responsible for respecting human rights are all indicative of progress. They have not, however, resulted in the compete
upholding of human rights in organisations.

**Theoretical Framework of Human Rights**

Human rights are recognized as universally-applicable laws (which have the cause of action to be universally applicable), which means that they are reminiscent of norms solely of a moral character. Habermas (2009) observes that human rights “can be justified exclusively from the moral point of view” – “they regulate matters of such generality that moral arguments are sufficient for their justification”. According to Osiatyński (2011), their fundamental, innate and privileged character rests on the basis that they need not to be justified: justifications are required for deviations from these rights.

In the beginning of the 20th century, it was up to the different states to decide whether to recognise human rights. There was not a single, universal and legally-binding catalogue of human rights. Human rights have been formally recognised as one of the priorities of the international community some 50 years ago, in December of 1948, when the Universal Declaration of Human Rights was adopted (Zielińska, 2007). Only then, did they become universal rules which applied to all aspects of human life. Since its conception, the United Nations Organisation has overseen the creation of legal regulations applying to human rights and undertook all efforts for these norms to become universally-applied law, rather than just being ethical guidelines. Propagating the respect for observing human rights and increasing the responsibility of entities and member states, constitutes a decisive step on the path towards enforcing the agreed upon standards and creating a global system of human rights. The most important documents, which have been signed by all EU member states, are the following: Universal Declaration of Human Rights of 10 December 1948 (UN), Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, UN Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on 18 December 1979, International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature in New York on 21 December 1966, International Covenant on Economic, Social and Cultural Rights, opened for signature in New York on 19 December 1966, International Covenant on Civil and Political Rights, opened for signature in New York on 19 December 1966, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 25 November 1981, New York and Framework Convention for the Protection of National Minorities, prepared in Strasbourg on 1 February 1995.

The Community Law of the European Union is, to a large extent, based on the achievements of the UN and the Council of Europe, expressed in the abovementioned documents. The respect for human dignity, freedom, democracy, equality, rule of law and human rights – these values have been contained in EU treaties since the beginning. The rights of EU citizens are listed in the Charter of Fundamental Rights of the European Union, which has been adopted in the year 2000 and has been binding for all EU member states since 2009. All of the main EU institutions – the European Commission, European Parliament and European Council – play a specific role in protecting human rights. The Charter of Fundamental Rights contains, in one document, the human rights binding for EU institutions and bodies, and applies to national governments, when those apply EU law. The citizens who wish to exercise
their rights must file a case with the European Tribunal of Justice. The Charter is consistent with the European Convention of Human Rights, which has been ratified by all EU member states.

Moreover, Art. 2 of the Treaty on European Union states that: “(t)he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

The fundamentals for defining rules, goals and priorities of the EU in the area of Human Rights and Democracy are delivered by the EU Strategic Framework and Action Plan on Human Rights and Democracy, a document adopted by the Council of the European Union on 25 June 2012. It sets the priorities for EU policy in the area of human rights for the next 10 years, including:

- promoting freedom of expression, opinion, assembly and association,
- working through multilateral institutions to promote human rights (e.g. the UN),
- combating all forms and instances of discrimination, especially those, which apply to women,
- combating death penalty to the full extent as well as torture, which constitute serious violations of human rights and human dignity,
- promoting a fair and impartial justice system,
- intensifying political and financial support for human rights defenders and stepping up efforts against all forms of reprisals,
- closer cooperation with the Council of Europe and Organisation for Security and Cooperation in Europe.

The Framework is the basis for developing and implementing actions both for the Union’s institutions and the respective member states. Supplementing the Framework is the Action Plan for the Union’s Activity on Human Rights. The aim of the Plan is to implement the Strategic Framework and to delineate the goals contained within. Tasked with the responsibility of meeting the respective goals outlined in the Plan, is the High Representative of the European Union for Foreign Affairs and Security Policy, which is supported by European External Action Service (EEAS), the Commission, the Council and member states (in accordance with the separation of competences, specified in the Treaty on European Union). Additionally, responsible for realizing the Plan, in accordance their mandate, is the EU Special Representative of the European Union for Human Rights. The plan has been binding since 31 December 2014.

When discussing human rights, it is also worth mentioning the UN Global Compact initiative (UN Global Compact, 2011), which is based on ten universal rules concerning human rights, work standards, the environment and the fight against corruption (UN Global Compact, 2011). It has been approved by all 191 heads of states and governments of the United Nations and is legitimized by the consensual resolution of the General Assembly. The first two rules of the Global Compact have been taken from the Universal Declaration of Human Rights, which is the basis of the international human rights system. The second rule stipulates that businesses have to make sure that
they are not complicit in human rights abuses. Basically, the functioning of the human rights system means that even though the international system sets general standards for the protection of rights and freedoms of the citizen, it is the domestic system of a given state that delineates and concretizes it.

**Theoretical Aspects of Diversity Management**

The notion of diversity management has been (and still is) associated with equal treatment or preventing discrimination. In the literature on this topic there is a debate regarding the differences between diversity management and affirmative actions (AA)/equal employment opportunities (EEO). This is important, since these two approaches are completely different, and yet connected. Such an approach to equality and diversity has been evolving over the past 50 years. Nonetheless, the equal employment opportunity (EEO) and affirmative actions (AA) that took place in the ‘80s in the USA and later in EU states, were a response to the pro citizens’ rights movements and liberal political philosophy. The traditional requirements of AA/EEO were based on social, moral and legal commitment.

Therefore, it is worth highlighting that AA/EEO policies were an important step in opening workplaces to diversity. On the other hand, they imposed limits on themselves and did not create an environment that could extract all of the potential from diversity. AA/EEO policies have significantly increased recruitment and employment of women in companies. According to Barak (2016), AA/EEO policies have drawn attention to diversity management, which had a significant impact on the development of this concept. Many companies are still bound to comply with AA/EEO policies and they are convinced that the programmes and processes of diversity management traverse compatibility with AA/EEO policies, since they are directly connected with matters pertaining to business results (Webb, 1997).

Generally speaking, diversity management is not concerned with giving preferential treatment or ensuring equal opportunities for members of a certain group (although this is a by-product), but its aim is recognising that broadly understood diversity increases the quality of the entire organisation. Discrimination, similarly to affirmation, is ultimately concerned with the individual: they are the ones that avail themselves of equal opportunity programmes. Diversity management typically has broader goals and means of improving organisational culture and applies to all employees. Initiatives of diversity management are “activities aimed at creating an environment, which naturally functions with regards for the needs of the entire group of diversified employees” (Thomas, 1992), and not just, for instance, women and minorities. Griggs (1995) notes that companies that have successfully functioned as employers respecting AA/EEO policies have observed that the diversified human capital, created by them, should be better managed to maximise the potential of human resources and increase their competitive advantage.

Thus, diversity management is not synonymous with equal opportunity policy. Although, diversity management and equal opportunity policy are presented as parallel phenomena, they are in fact two approaches with important differences. Özbilgin (2008) has stated that equal opportunities and diversity create a false dichotomy. Today, these two approaches are quite similar, but not identical, and surely not complementary. Today, in the 21st century, organisations must focus not on realizing affirmative action (AA), equal employment opportunity (EEO) or only appreciating the
differences, but approaching diversity as “a way of life”. Konrad et al. (2006) point out that at its base, diversity is concerned with differences and inclusion. Moreover, diversity is much more than just equal opportunities for everyone – this concept means that in business, different people are appreciated, both employees and customers.

Generally speaking, based on the conducted analysis of the definition of diversity, one can distinguish four areas, which should be included in every approach to diversity from a workplace perspective. These are the following (Gross-Gołacka, 2018):

1. Accepting that the concept of diversity covers a wide range of differences between employees, including age, disability, education level, ethnic origin, family structure, position, geographical location, race, religion, sexual orientation, style and values, both visible and invisible (the effect will be a wide and universal approach);

2. An aspect of diversity related to the means through which the individual and organisation are influenced;

3. Including the requirements for cultural change in an organisation, for instance, management style, human resources management system, philosophy and approach;

4. Putting emphasis on the perception of the concept of diversity, as something that extends beyond race, gender, affirmative action (AA) and equal employment opportunity (EEO), including the business aspect (costs and benefits).

Diversity management should be defined as broadly as possible and understood as a systematic activity of a company, aimed at engaging diversified human resources into the company’s activity and treating them as a strategic advantage. Therefore, diversity in an organisation ought to be an added value and it is necessary to manage it in a manner that is integral with the organisational structure. Under this pragmatic approach, managers are neither afraid of human differences nor perceive them as a threat, but approach them as an area for developing competences, innovation and creativity for the purpose of achieving the best possible results for the company in the organisation (Gross-Gołacka, 2018).

**Diversity Management as an Element of the Company's Strategy**

In contemporary globalized organisations, both in the public and private sector, it is necessary to attract and retain a diversified workforce to utilize its diverse knowledge, skills and capabilities. Diversity among employees fulfils both economic and social goals, increasing the capabilities of employees that are underrepresented. In order to generate innovation and create new value, it is necessary for enterprises to take full advantage of the capabilities of human resources, which have diversified values and ideas, while promoting their diversity. In Japan, efforts are undertaken to, for instance, support women’s careers and promote the exchange of personnel between global headquarters. Mutual respect and understanding between people of different nationality, age, gender, culture, traditions etc., is the foundation of diversity.

In the context of the arguments presented above, a question arises as to whether taking actions aimed at respecting human rights can be beneficial for an organisation from a financial point of view? Why should the ones in charge of a company be interested in human rights? More and more often the answer is yes, however this is not always the case, and most likely not immediately. Dealing with human rights can function as a radar or an early warning system. It allows for identifying potential problems and solving them, before they become more serious and expensive. Focusing
on human rights can also improve the relationships with clients and the reputation as well as increase the satisfaction that employees receive from their work, which has a positive influence on efficiency and effectiveness. It can help to avoid additional costs resulting from attracting and maintaining the proper human resources, gaining acceptance or overcoming opposition for new business ideas, which some personnel may have. It could be the case that some clients expect information on how to manage different issues in a company, including human resources.

Good Practices

Without a doubt, organisations/companies are the main entities contributing to economic development all over the world, and considering the approach to human development, they help to reinforce global human rights (UN Global Compact, 2008). An increasing number of companies show respect for human rights through respecting international standards for human rights in frames of their core business practices. An analysis of the key international organisations, allows one to observe that the issues pertaining to human rights and/or managing diversified human resources in an organisation are an element of the activity of the companies in question. Fifty strategic documents have been analysed, which contained the activities of organisations in the area of human rights, which were available on official websites of international corporations from all over the world. It must be observed that every single one of these companies have strategic documents, which contain guidelines relating to the topic in question as well as good practices (UN Global Compact, 2013). Examples of the activity of companies in observing human rights have been presented below.

Orkla

Orkla has a corporate culture characterized by respect and equality. These values are important in order to compete successfully for manpower, and to utilize employees’ full potential in the best interests of the Group and the individual. Orkla’s stance on diversity, equality and non-discrimination is described in the Group directive on corporate responsibility and Orkla’s Human Rights Policy. In 2015, Orkla had no complaints or matters related to gender equality or discrimination or other human rights issues (based on annual internal reporting from company of disputes, litigation, supervisory cases and similar matters). Orkla aims to ensure that all its employees are assured of pay equivalent to the negotiated wage targets established by employer organizations and other bodies in the respective countries. When determining employee pay, Orkla attaches importance to the individual’s skills, the complexity of the position, his or her job performance and competitiveness in the market, regardless of gender, background or functional capability. In 2015, Orkla adopted a tool for job classification and determination of compensation, and intends to further harmonize the Group’s compensation arrangements in 2016.

Orkla strives to attain a good gender balance at all levels of the organization, and attaches importance to this aspect when recruiting and developing employees. Measures that make it easier to combine a career and family life are considered an important factor in promoting gender equality. The Group requires that a minimum of one female candidate is nominated when recruiting candidates to management team positions at company or business area level. The percentage of women among senior executives has been relatively stable in the past few years. At the end of 2015, 32% of
management team members at Group, business area and company level were women, compared with 27.3% the previous year. The percentage of women in management positions at all levels of the Group’s operations was 36.1%, up from 35.6% in 2014. The improvement is due to changes in Orkla’s company structure and strong awareness of the importance of diversity and equality when recruiting candidates for management positions (Orkla, 2017).

**Deutsche Bank**

Diversity and Inclusion. Deutsche Bank workplace culture is defined by equality, inclusivity, and diverse teams – all which create an open environment where everyone can be their authentic selves. Deutsche bank builds talented and diverse teams to drive business results. Talent comes from all cultures, countries, races, genders, sexual orientations, abilities, beliefs, backgrounds and experiences. Company creates respectful and inclusive environments where people can thrive. Inclusion and diversity help Deutsche Bank strengthen relationships with our clients, our partners, and the communities in which it operate. Deutsche Bank has made several public commitments demonstrating commitment to diversity and inclusion. Group are a founding member and signatory of the Charta der Vielfalt in Germany, Women in Finance Charter in the UK, Charter de la Diversidad in Spain, and the Charte de la Diversité in Luxembourg. Deutsche bank made a voluntary declaration alongside other DAX-30 companies to substantially increase the representation of women, with a special focus on senior managers.

Organization recognizes the need to accelerate progress on diversity and inclusion and have developed a variety of programs, practices, and policies to help do this. Deutsche bank believes the key to success is embedding inclusion and diversity principles in every aspect of the employee lifecycle. Leaders are actively engaged in efforts to attract and develop a diverse workforce. Employee resource groups (ERGs) play a central role in connecting people, helping learn from other experiences, and identifying new solutions. ERGs are voluntary, cross-divisional, employee-led groups created to accelerate the advancement of employees from traditionally underrepresented groups, allies who support those groups, and people who share a common purpose, interest or background. Depending on location, ERGs have been created for the advancement of the following communities at Deutsche Bank: differently-abled, families, generations, LGBTQI, multicultural/people of color, veterans, and women (Deutsche Bank, 2017).

**Anritsu**

Anritsu participates in the United Nations Global Compact, intended to encourage conduct under the universal principles of human rights and labor. In addition, company policies and guidelines based on international rules on human rights, including the International Labor Organization’s 1998 Declaration on Fundamental Principles and Rights at Work and the Guiding Principles on Business and Human Rights endorsed by the U.N. Human Rights Council in 2011, are in place at Anritsu and serve as in-house mandates that maintain our awareness of human rights issues at every stage of the value chain, from research and development to procurement, production, logistics and sales, and to ensure that we promote initiatives for these issues. In the Charter of Corporate Behavior for guiding the Anritsu Group in
the conduct of its social responsibility, it declared will to respect the human rights of all those who are connected with it, and will not permit any discriminatory practice related to race, gender and so forth or infringement of individual dignity, and will never accept child labor or forced labor. As for the Code of Conduct, which guides the daily operations of all Anritsu Group employees, it states that we will not discriminate in word or deed or engage in acts of violence or impair personal dignity, and that we will seek to deepen our understanding and take action to respect human rights through educational programs and other appropriate means.

Anritsu upholds respect for human rights as one of our highest priority issues in both the Anritsu Group Charter of Corporate Behavior and Anritsu Group Code of Conduct. As a diverse workforce becomes essential for companies to grow amid rapid business globalization, we believe that nurturing a corporate culture that does not tolerate any kind of discrimination serves as a foundation for all initiatives on diversity.

The Anritsu Group promotes initiatives on diversity and inclusion. It nurture a corporate culture that allows a diverse workforce to demonstrate their personal qualities and abilities based on their lifestyles, regardless of nationality, gender, age, views on work, faith and region, sexual orientation or disability. It respects diversity in the workplace, accepts various viewpoints and provides everyone with an opportunity to apply their personal strengths in order to respond to the evolving business environment and generate corporate value. In fiscal 2016, it established the Diversity Promotion Team within the Human Resources and Administration Department to carry out activities for promoting diversity, which includes developing women’s careers, supporting the work-life balance, hiring more persons with disabilities, and developing the careers of non-Japanese employees (Anritus, 2017).

**Hitachi Construction Machinery**

The awareness of human rights is developed throughout the entire enterprise. A dedicated human rights Hitachi Construction Machinery group has been formed. Its goal is to promote diversity as well as to plan and monitor the undertaken activities. The activities are focused on promoting human rights education and preventing both child labour and forced labour. The company is guided by and observes international standards related to human rights, including the freedom of unionizing, rights for action-case lawsuits, preventing child labour and forced labour as well as discrimination against position and occupation. In 2010, the Hitachi Construction Machinery company created its own training material on the topic of diversity and provided an e-learning platform. Workshops on diversity were held (for working women) as well as seminars on life-work balance. At Hitachi Construction Machinery company, human rights are discussed during basic education delivered by the Centre for Career Development, whereas education on human rights is included in training sessions for all new employees, new heads and managers. The company respects the human rights of all interested parties, including clients, suppliers, employees etc. (Hitachi Construction Machinery, 2017).

**Conclusions**

The need for developing guidelines via the analysis of companies resulted from the obvious fact of the influence that business entities have on the state of respect for human rights. This influence can manifest itself in several different ways. Firstly, their
activity cannot lead to infringement of rights and freedoms of people employed by them. Such infringements can take the form of sexual harassment of employees, discrimination against them, non-respect of their rights to privacy, break of fundamental occupational health and safety rules, non-respect of labour regulations regarding working hours and minimal wage, taking advantage of slavery etc. Secondly, economic entities can be in violation of rights of other persons, who are affected by their activity, for instance, through contaminating the natural environment, which leads to negative health consequences for people living in the area of their activity, or through violation of data privacy of their clients. Thirdly, business entities can support authoritarian and totalitarian regimes through, for instance, trading arms (Putkowska, 2013).

It is worth mentioning the fact that the above-mentioned actions of companies relating to respecting human rights and/or promoting diversified human resources, can be of different characters. Several processes exist, which can incorporate human rights issues. These can be, for instance, a risk management system, healthcare and security system, environmental and social impact assessments or diversity management systems. Supply-chain management systems also have to be taken into consideration in order to reflect the expectations of suppliers in terms of respecting human rights. Some management certificates such as ISO 9001, ISO 14001, OHSAS 18001 or SA8000, require processes, which could be improved to include a negative-factor impact assessment on all human rights. Moreover, the ISO 26000 norm on social responsibility includes a chapter devoted to responsibility for respecting human rights. When complex processes and systems contributing to respecting human rights are discussed, mostly by international corporations, a question arises, namely: are human rights only relevant to large companies? The answer is: obviously, no. Organisations of all sizes can have a negative impact on human rights. The dangers that a company may be subject to, are influenced by many factors, including the place where it is active, with whom it cooperates and with whom it does business. However, just because a given organisation is a small enterprise does not mean that it is not prone to dangers regarding human rights or the necessity to respect them (EC, 2015).

An increasing number of companies are becoming aware of their contribution, which they can achieve in promoting human rights on the level of influence and benefits, which can be attained under such an approach for their companies and environment. Although human rights are still the main responsibility of governments, companies can do a lot in terms of their own activity to support and observe human rights. Activity relating to human rights can make sense in business terms, but it is also advisable and ethical (Ruggie, 2007). The relationship between the functioning of an organisation and human rights has become more visible over the course of the last several years. On the one hand, it can be observed in the development of legal instruments, which has been on-going for the last ten-twenty years and which creates an obligation for entities to respect human rights, while also bringing enterprises to justice for human right infringements caused by them. On the other hand, increasingly more often organisations seek protection from government abuse through human rights. Referencing the “sword and shield” metaphor, which commonly appears in human rights sciences, human rights can, on the one hand, constitute a shield that protects from abuses by organisations, and, on the other hand, a sword acting as a weapon in the organisation’s relation to the state (Ploszka, 2017).
Human rights are one of the most difficult areas of corporate responsibility for companies to handle. Tools and guidelines for human rights are required (UN Global Compact, 2016). But it is also important to understand the business justification in terms of decision-marking in this area. Knowledge and innovations, now more than ever, are of crucial importance for ensuring competitiveness in a globalised economy. The demographics in Europe are changing and hence the continent has to tackle low birth rate, an aging population and a shrinking workforce. This means that companies have to take a smarter approach to recruitment in order to find the right talent that meets the outlined requirements and retain employees within the organisation. It is therefore important to begin mapping the diversity strategy – to be able to realise this strategy. The benefits, which diversified human resources can bring to an organisation in the future, are incontestable. Moreover, companies and clients are increasingly more diversified and have higher requirements. Diversified human resources in organisations are a deeper source of knowledge, abilities, life experience, perspectives and specialist knowledge. Diversity management, irrespective of the level of a country’s development, political system, the area, in which the organisation is active, requires a proactive approach and justification for any actions taken, which include fundamental reasons, but also the pragmatic ones.

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