Technology and human rights

Parallel session

28 November

10:00-13:00

Part 1: Are emerging technology innovations driving better access to remedy in global supply chains?   *10:00-11:30*   *Organized by The Walt Disney Company, Humanity United and the C&A Foundation*
Part 2: Remedy Against the Machine   *11:30-13:00*   *Organized by Business for Social Responsibility (BSR) and International Corporate Accountability Roundtable (ICAR)*

Part 1: Are emerging technology innovations driving better access to remedy in global supply chains?

Brief description: This session aims to delve into how technology is supporting access to remedy. Technology is the buzzword in supply chain human rights initiatives but much is not yet widely known about the specific ways in which technology is increasing worker voice, enabling more effective communication and information, and, ultimately, improving workers' lives.

Background to the discussion: A number of multi-national enterprises and foundations are increasingly investing in start-ups, human rights groups and social enterprises to build, test and deploy new or adapted technologies to better understand human rights issues in global supply chains. From smart phone surveys to blockchain technology to robots, some see the emergence of these technologies as potentially impactful, scalable and cost-effective ways to better understand where and how a variety of products are being made. Particularly in global supply chains that are complex, diverse and fragmented, these technologies can provide real-time information to employers, their customers, and other stakeholders about what workers in nearby and in far-away places are experiencing. Ultimately, the hope is that these technologies can provide action-oriented information to facilitate workers' access to remedy, where needed.

Session objectives:

- Create greater awareness of the various forms of technology that are currently available, being tested, and achieving impact
- Illuminate the specific ways in which workers, employers and others are using those technologies through specific case study experience
- Articulate how these technologies have created greater transparency to working conditions that may not have existed through traditional social compliance auditing or other methods
- Explore how technological innovations can help expand and drive access to remedy while also identifying limitations and possible improvements

Key Questions:

1. What specific technologies are being deploying with workers, factory or farm management, or global buyers. How do they work?
2. How are workers responding to the use of those technologies? How are their direct employers responding to the use of those technologies?
3. Are there examples where this technology was a critical component in helping a worker achieve access to remedy?
4. What limitations exist? What is not working? Are these simply a new tool for information-gathering but not necessarily effective at driving effective access to remedy?
5. Could these technologies be a replacement to social compliance auditing, which seeks to provide information to stakeholders who are not local?

Speakers:[1]

- *Leslie Johnston*, Executive Director. C&A Foundation.
- *Kenton Harmer*, Certification director. Equitable Food Initiative.
- *Beth Holzman*, Director, Worker engagement. Laborlink.
- *Venkat Maroju*, Chief Executive officer. SourceTrace.
- *Jessi Baker*, Founder. Provenance.

Format: Multi-stakeholder discussion allowing for Q&A from participants.

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[1] Further information on speakers provided in Annex

Part 2: Remedy Against the Machine

Brief description: Disruptive technologies such as artificial intelligence, big data analytics, and large-scale automation are shaping our future. These disruptive technologies bring with them new and previously unforeseen human rights risks as diverse as non-discrimination, privacy, child rights, freedom of expression, access to public services, and the right to work. While these debates may seem like hypothetical scenarios today, they will become real cases before long. This session will consider how access to remedy can be provided in this radically altered social and business context.

Background to the discussion:

A variety disruptive products, services, and technologies such as artificial intelligence, big data analytics, blockchain, innovative automation, and the internet of things are re-shaping the way rightsholders interact with business, and in doing so will transform the business and human rights landscape. These disruptive technologies have the potential to radically alter the strategies that companies should deploy to meet their responsibility to respect human rights.

Over the past few years there has been a rapid increase in dialogue, debate, and research into the social, ethical, and human rights implications of these disruptive technologies. New initiatives such as the Partnership on AI and Ethics and Governance of AI Fund have been established, and many reports have been published on how to integrate considerations of ethics, fairness, and human rights into machine learning and algorithmic decision making. However, largely missing from these developments has been a consideration of how the access to remedy pillar of the UN Guiding Principles can be maintained. At the same time, the proliferation of automation and mechanization of repetitive, non-cognitive tasks, and its impacts on the future of work also raises unique challenges for remediation.

Session objectives:

This session will raise awareness of new remedy challenges associated with disruptive technologies, such as:

- Remedy when violations result from decisions made by machines and algorithms, not humans
- Providing operational grievance mechanisms when there are hundreds of millions (or billions) of rights holders, not hundreds
- Mass displacement of low-skilled labor in heavily automating sectors, such as apparel and electronics manufacturing

Key Questions:

- What will access to remedy look like in the machine age?
- What innovations and new approaches need to be designed now to prepare us for an automated future?
- How can we hold companies accountable for individual decisions that are made by machines based on algorithms?

- How do we consider access to remedy in a context when dozens of companies are directly linked to a violation via their products and services?
- How can we address the practical challenges of providing access to remedy for billions of people involving many billions of decision points?
- What is the role of States and companies in relation to mass displacement of workers due to increased automation?
- Securing remedy.

Speakers:[2]

- **_Dunstan Allison-Hope_**, Managing Director, BSR (Business for Social Responsibility)
- **_Amol Mehra_**, Executive Director, ICAR (International Corporate Accountability Roundtable)
- **_Steve Crown_**, Vice President and Deputy General Counsel, Microsoft
- **_Alex Walden_**, Counsel, Free Expression and Human Rights, Google
- **_Sandra Wachter_**, Researcher in Data Ethics, University of Oxford, The Alan Turing Institute
- **_Cindy Woods_**, Legal and Policy Associate, ICAR
- **_Cathy Feingold_**, Director, International Department, AFL CIO (tentative)
- **_Theodore Roos_**, Project Collaborator-Future of Work, World Economic Forum (WEF)

Format of the session: This session will feature a series of thorny dilemmas posed by disruptive technologies and explore the role and responsibilities of companies and governments in providing remediation. Through interactive dialogue and exploration of three practical dilemmas, the session will consider questions such as who is responsible for remedy when a machine-created algorithm discriminates against women or minorities, when automated content moderation platforms restrict speech to little or too much, or when automation and mechanization lead to mass displacement of labor. Invited intervenors will address each dilemma.

Links to background material:

- Big Data: A Report on Algorithmic Systems, Opportunity, and Civil Rights", Executive Office of the [US] President
- "Preparing for the Future of AI", Office of President's National Science and Technology Council Committee on Technology
- "Algorithmic Fairness", SIIA
- "Principles for Ethical Data Use", SIIA
- "Digital Decisions", CDT
- "Automation: A Framework for a Sustainable Transition", BSR
- "Human Rights by Design", BSR
- https://www.partnershiponai.org/
- https://cyber.harvard.edu/research/ai
- "Automation and Inequality: The Changing World of Work in the Global South", IIED, http://pubs.iied.org/pdfs/11506IIED.pdf

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[2] Further information on speakers provided in Annex

ANNEX. SPEAKERS SHORT BIOS.

PART 1.

Leslie Johnston.

Executive Director, C&A Foundation.

Leslie joined the C&A Foundation in 2013, bringing 17 years of management experience across multiple sectors, including smallholder agribusiness, entrepreneurship and corporate philanthropy. Prior to this role, she managed the Argidius and COFRA Foundations. As the Deputy Director for TechnoServe in West and Southern Africa, she co-managed a $20 million portfolio and a diverse team working to help African farmers and entrepreneurs improve their bottom line.

Kenton Harmer.

Certification Director, Equitable Food Initiative.

Kenton directs the multi-stakeholder process responsible for the ecosystem of standards, policies and relationships that allows EFI to certify farms for industry best performance in labor-management cooperation, food safety and pest management. Previously, Kenton led the sustainable agriculture practice at Common Fields and Milepost Consulting.

Beth Holzman.

Director, Worker Engagement. Laborlink.

Beth is responsible for scaling Laborlink technology to reach millions of workers, putting them at the heart of factory improvements within ELEVATE's auditing, consulting and data analytics programs. Previously, Beth was an Advisor at Shift and managed Timberland's corporate responsibility strategy. She has worked with dozens of companies to devise human rights strategies, create data-driven buy-in for sustainability initiatives, and facilitate stakeholder engagements.

Venkat Maroju.

Chief Executive Officer, SourceTrace.

At SourceTrace, Dr. Maroju is using technological solutions to make the agriculture supply chain more sustainable, transparent and equitable, empowering hundreds of thousands of farmers in developing countries. Prior to joining SourceTrace, Venkat founded Factum Ventures, a company promoting new business ventures in sustainable agriculture, microfinance and renewable energy.

Jessi Baker.

Founder, Provenance.

Jessi is revolutionizing supply chain transparency, using blockchain and smart tagging technologies to ensure every product comes with an open, secure record of its journey and creation. Jessi works with suppliers, brands, and certifiers to reduce risk in complex global supply chains and foster a new form of consumer trust.

PART 2

Dunstan Allison-Hope

Managing Director, BSR (Business for Social Responsibility)

Dunstan leads the team of BSR directors that oversees BSR's human rights, climate change, inclusive economy, women's empowerment, and sustainability management practices. Previously, Dunstan led BSR's information and communications technology practice.

Dunstan facilitated the multi-stakeholder process of developing global principles on freedom of expression and privacy, which led to the launch of the Global Network Initiative in October 2008. He also helped create the Electronic Industry Citizenship Coalition, a collaborative initiative of more than 100 ICT companies improving conditions in their supply chains.

Steve Crown

Vice President and Deputy General Counsel, Microsoft

Steve Crown is vice president and deputy general counsel of human rights at Microsoft Corporation, contributing to development and interpretation of company-wide policies that support advocacy for rule of law and respect for human rights in the conduct of the company's business across the globe. To advance company and industry initiatives and public-private partnerships to make the global internet safer and more trusted, Crown works closely with colleagues across Microsoft and with external parties—companies, academics, investors, civil society, and governments—throughout the world. In his external engagements, Crown champions principled solutions that meet competing concerns in a manner salutary to evolution of international laws and norms.

Dr. Sandra Wachter

Researcher in Data Ethics and Turing Research Fellow, University of Oxford and The Alan Turing Institute.

Dr. Sandra Wachter is a lawyer and researcher in data ethics at the Oxford Internet Institute at the University of Oxford. She specializes in European law, data protection law, and technology law. Her

research focuses on the legal and ethical implications of big data, AI, and robotics, as well as governmental surveillance, predictive policing, and human rights online. Her immediate research focuses on ethical design of algorithms, including the development of standards and methods to ensure fairness, accountability, transparency, interpretability, and group privacy in complex algorithmic systems.

Alex Walden

Counsel, Free Expression and Human Rights, Google.

Alex Walden works on free expression and human rights at Google. Her work includes representing Google in the Global Network Initiative (GNI) and participating as a member of the Freedom Online Coalition's working group on transparency. Alex joined Google from The Raben Group, where she was a director focused on civil rights, women's rights, criminal justice reform issues, and nominations.

Amol Mehra

Executive Director, International Corporate Accountability Roundtable (ICAR)

Amol is the Executive Director of ICAR. He is an international human rights lawyer by training, focusing on business and human rights and corporate social responsibility (CSR). Amol has worked to build accountability frameworks in both domestic and international arenas, including over private military and security companies, around supply chains and extractives industries, and has worked to strengthen measures related to non-financial disclosure, anti-corruption, procurement and due diligence regimes.

Amol also serves on the Advisory Council for the American Bar Association's Center for Human Rights, as a Coordinating Member and Thematic Specialist for Amnesty International USA, on the Advisory Council for Ranking Digital Rights, on the Advisory Council for the Center for Business and Human Rights at NYU Stern, on the Human Rights Advisory Committee of the Interfaith Center on Corporate Responsibility, and as a Board Member of GoodWeave.

Cindy Woods

Legal and Policy Associate, International Corporate Accountability Roundtable (ICAR)

Cindy is a Legal and Policy Associate at ICAR. She is an international human rights lawyer, admitted to practice in the state of New York. Cindy leads ICAR's work around issues of global governance, including the implementation of the UN Guiding Principles through National Action Plans (NAPs) on Business and Human Rights, the development of an international treaty on business and human rights, and promotion of responsible business conduct at the G7/G20 levels.

Cindy also leads ICAR's Robots and Rights project, which analyzes the impact of automation and mechanization on low-skilled labor and the future of work.