**QUESTIONNAIRE FOR STATES: NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS
Response of Ireland**

**Contact information and disclosure**

1. *Please kindly include any relevant contact details in case the Working Group has follow-up questions.*

Questions may be directed to:

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1. *Please confirm whether the Working Group may include the government’s name in the list of respondents.*

Yes, the Government’s name may be included.

1. *Please indicate whether the information submitted by the government may be referred to in public or whether it should be made anonymous.*

The information may be referred to in public.

**National action plans on business and human rights**

1. *Has the government taken steps to implement the Guiding Principles on Business and Human Rights since they were endorsed unanimously by the Human Rights Council in June 2011?*

The Government of Ireland is committed to the implementation of the UN Guiding Principles on Business and Human Rights. Ireland has engaged in regional level efforts to implement the Guiding Principles, including at the European Union and the Council of Europe.

On 24 June 2014, the Government of Ireland decided to embark on the development on a national plan for the implementation of the Guiding Principles.

1. *Do these efforts include a plan to develop or update a State national action plan on Business and Human Rights and/or on the implementation of the UN Guiding Principles? If no, please continue to Question 6.*

Yes, see answer to question 4.

* 1. *If yes, and if the national action plan has been made public, please provide the links to any relevant documents.*

The process of the development of a national plan is at an early stage and there are no publicly available documents at present.

* 1. *If yes, or if there are plans to develop a national action plan to implement the Guiding Principles, which committee, department or government agency is responsible for overseeing these efforts?*

The Department of Foreign Affairs and Trade is coordinating efforts to develop a national plan to implement the Guiding Principles as part of a broad consultative process and with the full engagement of all relevant Government Departments and Agencies.

* 1. *If the Government is developing or updating a national action plan, when is this information expected to be made public?*

As referenced above, the process of developing Ireland’s national plan is at an early stage and the precise date of publication of the plan is not yet determined. The decision to develop a national plan is public.

**Alignment of existing CSR frameworks with the Guiding Principles**

1. *Are there specific national Corporate Social Responsibility (CSR) policies, programmes or regulation?*
	1. *If yes, do these documents specifically reference human rights issues and, if so, which issues are referenced?*

Yes, a National Plan on Corporate Social Responsibility, titled “Good for Business – Good for the Community” was published in April 2014. The National Plan is available at: [www.enterprise.gov.ie/en/Publications/Good-for-Business-Good-for-the-Community.pdf](http://www.enterprise.gov.ie/en/Publications/Good-for-Business-Good-for-the-Community.pdf)

Ireland’s National Plan acknowledges human rights as a concern within the CSR agenda and refers to human rights issues across the Plan under a number of areas, for example in relation to due diligence in supply chains. The CSR Plan states that “respect for, and upholding of, human rights should be a fundamental part of any company’s CSR activities” (p7, Good for Business, Good for the Community, Ireland’s National Plan on Corporate Social Responsibility, 2014-16).

* 1. *Who leads on CSR policies within the Government and who is involved in developing them?*

CSR policy in Ireland cuts across a number of Departments with responsibility for employment law, education, the environment, social inclusion, enterprise etc. The Department of Jobs, Enterprise and Innovation led on developing the National Plan on CSR, which is a whole-of-Government Plan. All Government Departments were consulted in its development, as were other key stakeholders involved in CSR in Ireland.

A Stakeholder Forum has been established to progress the objectives of the National Plan and the Forum includes relevant Government Departments and Agencies and other stakeholders.

1. *Do government CSR programmes, policies or regulation refer explicitly to the Guiding Principles on Business and Human Rights?*
	1. *If yes, which ones and how are the Guiding Principles referenced?*

The Guiding Principles on Business and Human Rights are referenced explicitly in Ireland’s National Plan on CSR. They are referred to as both an important international guideline, driving CSR globally and as a best practice resource to guide enterprises on fair operating practices. Ireland has a strong legislative base which supports the protection of human rights, including in the areas of labour law and equality. The Government believes that respect for, and upholding of, human rights should be a fundamental part of any company’s CSR activities.

* 1. *If no, is the Government planning to align existing corporate social responsibility programmes, policies and regulation with the Guiding Principles?*

**Reporting and corporate governance requirements**

1. *Has the Government ever put out a policy or set other expectations regarding company reporting on how they address potential and actual adverse human rights impacts as per the Guiding Principles?*
	1. *If no, do you provide guidance on a specific sub-set of human rights issues, for example, labour or land rights? Indicate which and the specific standards companies are expected to follow.*

No, but guidance is provided on sub- set of labour issues as follows:

The National Employment Rights Authority (NERA) was established to ensure compliance with employment law.

NERA is in a unique position in having legislative responsibilities towards both employers and employees and plays an important role in protecting vulnerable workers and ensuring a level playing field for employers. This is achieved by providing information on employment law, rights and obligations to employers and employees, and ensuring compliance through workplace inspections.

NERA also operates an information service for both employers and employees. It supplies published information material and its website [www.workplacerelations.ie](http://www.workplacerelations.ie) provides comprehensive information on employment law and industrial relations mechanisms. Significant material is available in 13 languages in addition to English. NERA also participates in public events and exhibitions to further support its education role.

It is Government policy to simplify the industrial relations framework in Ireland and a programme of reform has commenced which will ultimately result in the establishment of the Workplace Relations Commission which will provide a more straightforward cost effective service to both employers and employees for dealing with industrial relations issues.

1. *Are there any guidelines in your country to encourage business enterprises to report on their human rights risks and impacts?*

No. Any reporting by companies in this area is on a voluntary basis.

* 1. *If yes, how many companies typically do so?*
1. *Does the country have any laws that require companies to report on their human rights risks and impacts?*

See answer to Question 9.

1. *For all of the above, if these policies, guidelines or laws exist, do they apply to all companies or only to certain types of companies (i.e. State-owned enterprises, listed companies etc.)?*

N/A

1. *For all of the above, did the government consult with business enterprises, civil society, investors or other stakeholders in developing these policies, guidelines or laws?*

N/A

1. *Is commitment to respecting human rights an explicit or implied requirement at incorporation or when companies are listed in the stock exchange?*

**Public procurement**

1. *Has the government taken steps to integrate human rights considerations into public procurement frameworks and processes?*

There is no specific guidance in relation to human rights and public procurement.

Public procurement in Ireland is governed by EU and National Law and National Guidelines. The EU Treaty principles of equal treatment and non-discrimination, transparency, mutual recognition, proportionality, free movement of goods and services and the right of establishment must be observed on all tenders.   Extensive general guidance is available to public authorities on conducting procurement in line with legal requirements on the Irish portal for public procurement <http://etenders.gov.ie>.   Staff are required to be aware of the provisions of the various Acts, Directives, regulations, policies and procedures.

Procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General (Amendment) Act 1993 and Accounting Officers are publicly accountable for expenditure incurred.

Contractors, suppliers, and service-providers who have been treated unfairly or whose rights have been infringed in the public procurement process have a right to legal redress under EU remedies Directives.

Staff are required to use the template tender documentation which has been devised and which is available at <http://www.procurement.ie/suppliers/template-documents>.   Template RFTs set out obligations for the successful tenderer for example in relation employment law, health and safety law, environmental law etc.  It is part of these RFTs that tenderers must complete “a declaration of  personal circumstances” stating,  for example,  that they are not bankrupt,   have not been convicted of professional misconduct,  fraud, money laundering, corruption or have been a member of any criminal organisation.  Template contracts set out suppliers’ obligations in relation to compliance with employment law and other statutory obligations. As part of these contracts, a supplier is deemed to be the prime contractor and assumes responsibility for its sub-contractor in relation to the obligations stated above.

1. *Does the government have human rights due diligence requirements for public procurement?*
	1. *If yes, please indicate in which areas (e.g. child labour, forced labour and freedom of association; gender discrimination; migrant labour; land; free, prior and informed consent), sectors or categories (e.g. privatised delivery of public services)?*

Yes – in certain circumstances.

Template RFTs allow for site visits to tenders premises, lands and facilities.  Template contracts also allow for the continuation of site visits (including visits to the premises of subcontractors) as part of contract management.  In the case of procurement of uniforms for the State, audits and inspections of factories are typically conducted to ensure that staff working conditions (including health, safety and hygiene) conform to the expected contract standards and  staff are being treated with equality and fairness.

**Publicly owned or controlled enterprises**

1. *Are State-owned enterprises required to report on human rights risks and/or impacts?*
	1. *If yes, what issues are these enterprises required to report on?*
2. *Do publicly owned or controlled financial institutions (e.g. export credit agencies or development banks) have safeguard policies that refer to human rights?*
	1. *If yes, do they have human rights due diligence requirements for activities or clients that benefit from financial or advisory support?*
	2. *If yes, what issues or spectrum of issues are these enterprises required to report on?*

**Companies operating abroad**

1. *Have embassies abroad received explicit instructions from the government to raise or advise on the human rights risks and impacts of businesses domiciled in its own jurisdiction that are operating abroad, as per the Guiding Principles?*

The Government of Ireland is developing a National Plan for the implementation of the Guiding Principles.

1. *Is there any requirement for companies to report whether they have due diligence procedures (e.g. human rights impact and risk assessments) in place to address and manage human rights impacts of subsidiaries, joint ventures or other commercial interests abroad?*

**Licensing**

1. *Do any environmental and social impact assessments that companies need to submit in order to obtain an environmental or operating license include specific questions on social and human rights impacts?*
	1. *If yes, what spectrum of issues?*

The Department of Jobs, Enterprise and Innovation is the responsible authority for issuing export licenses in respect of goods listed on the EU’s Military list. Prior to issuing any license the Department consults with the Department of Foreign Affairs and Trade in respect of each license application for exports outside the EU. Human rights considerations are taken into account in assessing these license applications as well as the EU’s Code of Conduct on Arms Exports.

* 1. *If no, why not?*

**Investment policy**

1. *Does the process of preparing for and negotiating international investment agreements (BITs, FTAs or Economic Partnership Agreements with investment provisions) include consultation with either:*
	1. *those government ministries/agencies/institutions (including national human rights institutions) that would be informed about the State's international human rights obligations and the Guiding Principles’ pillar on the corporate responsibility to respect human rights; or*
	2. *other stakeholders who could inform the State about the relevance of human rights obligations to IIAs?*
	3. *None of the above.*

This is an important issue and the UN Guiding Principles on Business and Human Rights provide a strong framework in the context of consideration of policy in relation to mobile international investment.

Ireland is fully committed to the protection of human rights under international agreements and the relevant state agencies and Government Departments are in continuous liaison in relation to international trade and investment activities.

While the EU has competence in relation to the negotiation of trade and investment agreements with other countries for Ireland, relevant Government Departments and agencies are fully aligned with the overall Government policy positions on various matters including human rights in bi-lateral relationships and dealings.

Ireland has no Bilateral Investment Protection Agreements in force.

In relation to Free Trade Agreements, negotiating these is a matter of EU competence. These agreements between the EU and third countries contain Sustainable Development clauses that reference human rights. Ireland places a high priority on how these agreements can positively impact on the human rights environment in countries with whom the EU is negotiating FTAs. In respect of these negotiations Ireland adopts a consistent policy of positive advocacy on human rights and trade agreements. There are a range of consultation fora facilitated by the Department of Foreign Affairs and Trade and that include NGO participation. Trade and human rights are discussed in this context to inform stakeholders about the means by which human rights are promoted across the spectrum of Government activities.

1. *Is the team responsible for negotiating State-investor contracts with inward investors informed by:*
	1. *those government ministries/agencies/institutions (including national human rights institutions) in charge of following up on the State's international human rights obligations and the Guiding Principles’ pillar on the corporate responsibility to respect human rights; or*
	2. *potential negative human rights implications of the proposed investment, including by human rights impact assessments performed;*
	3. *None of the above.*

While the EU has competence in relation to the negotiation of trade and investment agreements with other countries for Ireland, relevant government departments and agencies are fully aligned with the overall Government policy positions on various matters including human rights in bi-lateral relationships and dealings.

1. *Is the State policy on investment informed by the Guiding Principles on Business and Human Rights in:*
	1. *promoting inward investment?*

See answers to Q 21 and 22 above

* 1. *supporting “home” business enterprises to invest abroad?*

The Irish Government, through the state body Enterprise Ireland, invests in Irish companies to develop their business plans and increase their capability but does not support them to invest abroad. At the request of its parent Department (Department of Jobs, Enterprise & Innovation) a booklet entitled “Combating Bribery of Foreign Officials” is made available to all trade mission participants.

**Alignment of international development and assistance agencies**

1. *For donor countries: are business and human rights considerations integrated in your development assistance policies?*
	1. *If yes, are any of the following options included (please indicate which ones, and include others if relevant): general training; training of prosecutors and judges; training of government agencies and personnel that oversee environmental and social licensing; training of small and medium enterprises; national and local multi-stakeholder dialogues; victim reparation funds; empowerment of local NGOs that monitor corporate conduct; empowerment of NGOs that work with governments and business as well as victims; documentation of cases and best practices; review and formulation of national action plans; and OECD National Contact Points.*

As per Ireland’s Policy for International Development, One World One Future, Ireland is committed to supporting sustainable development and inclusive economic growth. Irish Aid is committed to ensuring that human rights principles and standards are promoted, protected and integrated across all our work. We strive to ensure that economic development, including engagement by Irish companies, is compatible with our commitment to human rights. We believe in a culture of zero tolerance for all corrupt practice, and work to combat against corruption and bribery. We promote initiatives at national and global level which seek to address the drivers and recover the proceeds of corruption, and we support programmes that create an enabling environment for business.

Ireland is playing a strong role in efforts to build transparency, accountability and respect for human rights in the area of business and human rights. There are initiatives ongoing at the UN, EU and OECD levels that Ireland has been supportive of and are participating in. For example, the OECD Guidelines for Multinational Enterprises clarify how companies can identify and better manage risks throughout the supply chain, in order to halt illegal exploitation of natural resources in our partner countries. Irish Aid also supports organisations such as the African Tax Administration Forum (ATAF), Transparency International and Global Witness to promote improvements in governance and accountability, the protection and promotion of human rights, and efficient and effective business practise.

**Alignment of development policies**

1. *Do national and local development plans reference the Guiding Principles on Business and Human Rights to identify and address potential adverse human rights impacts of government-led policies and programmes?*

The Social Inclusion and Community Activation Programme (SICAP) under responsibility of the Department of the Environment, Community and Local Government, aims to reduce poverty and promote social inclusion and equality through supporting local, regional and national engagement and collaboration. The SICAP Draft Framework 2015 – 2017 guides national implementation of the Programme and provides overall structure by setting specific goals and objectives to enable Local and Community Development Committees to define their respective delivery models based on local needs and community development principles. While no specific mention is made of the Guiding Principles on Business and Human Rights within the draft framework, reference is made to human rights within the vision statement of the Programme - “To improve the life chances and opportunities of those who are marginalised in society, living in poverty or in unemployment through community development approaches, targeted supports and interagency collaboration where the values of equality and inclusion are promoted and human rights are respected.” As such, all initiatives planned and implemented in conjunction with the SICAP should adequately recognise and ensure respect for human rights.

1. *Does funding from national development banks/financial institutions require recipients to conduct due diligence on human rights risks and impacts?*

**Judicial remedy**

1. *Can corporations be held criminally liable for human rights abuse under the country’s applicable laws? (If so, have any such cases been brought before national courts?)*
2. *Do the country’s courts permit filing cases against corporations for alleged human rights abuses that were committed abroad (criminal or civil cases)? (If so, have any such cases been brought before the courts?)*
3. *Does the government provide assistance (financial or otherwise) to victims of alleged business-related human rights abuses who seek judicial remedy through the court system?*

**Non-judicial remedy**

1. *Does the government provide support for non-judicial grievance mechanisms (e.g. OECD National Contact Points if applicable) that afford access to remedy to victims of adverse business-related human rights impacts?*
	1. *If yes, are there incentives for companies to participate in non-judicial grievance mechanisms?*

Ireland operates a National contact point for the OECD Guidelines for Multinational Enterprises and promotes the Guidelines through relevant NGOs

1. *Does the national human rights institution facilitate dispute resolution, investigations or monitoring in cases of alleged business-related human rights abuse?*
2. *Are any other agencies or government departments involved in promoting or supporting dispute resolution between companies and consumers, workers or local communities?*

Yes:

32a) Consumers

There are a number of State organisations in Ireland which, as part of their remit, have a role in relation to sectoral disputes between business and consumers (e.g. Commission for Communications Regulation; Commission for Energy Regulation; Commission for Aviation Regulation; Financial Services Ombudsman etc).

The National Consumer Agency does not perform a consumer ombudsman function and does not usually get involved in seeking to resolve individual disputes between business and consumers. The Agency does, however, have a role to promote the development of alternative dispute resolution (ADR) procedures as a means of resolving disputes arising out of consumer transactions.

The European Consumer Centre - Ireland (which as part of an EU wide network, funded by the European Commission and member states) co-operates with other members of the network to help settle cross-border complaints between consumers and EU based traders. ECC-Ireland also has a role in providing information to consumers and business in relation to ADR options that might be available.

The European Commission maintains a list of notified ADR bodies across the EU. (In Ireland, the Dept. of Jobs, Enterprise & Innovation (DJEI) notifies ADR bodies to the European Commission.) DJEI has recently initiated a public consultation on the implementation of the EU Directive on Consumer Alternative Dispute Resolution and the EU Regulation on Consumer Online Dispute Resolution.

 32b)Labour

The Irish Government has established the following bodies to assist workers and employers in resolving disputes:

* Responsibility for promoting good industrial relations rests with the Labour Relations Commission which provides a range of industrial relations services around preventing and resolving workplace disputes and disagreements.
* The main collective dispute mechanisms are the Labour Relations Commission, which provides conciliation and mediation services and the Labour Court, which adjudicates on collective industrial disputes.

Individual disputes are dealt with by a number of bodies, depending on the legislation involved:

* The Rights Commissioner Service, which operates as part of the Labour Relations Commission, investigates disputes, grievances and claims that individuals or small groups of workers make under certain legislation.
* The Equality Tribunal is an independent statutory office which investigates or mediates complaints of unlawful discrimination. This protection against discrimination applies to all nine grounds under which discrimination is prohibited under the equality legislation – gender, civil status, family status, age, disability, race, religious belief, sexual orientation and membership of the Traveller community.
* The Employment Appeals Tribunal is an independent body set up to provide a fair, inexpensive and informal means for individuals to seek remedies for alleged infringement of their statutory rights.
* Appeals of decisions of the various dispute resolution bodies may be made to the Employment Appeals Tribunal or the Labour Court depending on the legislation involved.

Detailed information on the role and functions of the various bodies is available on the website [www.workplacerelations.ie](http://www.workplacerelations.ie)

A programme of reform designed to radically reform and simplify the State’s workplace relations/employment rights and industrial relations structures is currently underway. The Programme will provide for a two-tier Workplace Relations structure by merging the activities of the National Employment Rights Authority, the Labour Relations Commission, the Equality Tribunal and the first instance functions of the Labour Court and Employment Appeals Tribunal into a new body of first instance to be known as the Workplace Relations Commission. The appellate functions of the Employment Appeals Tribunal will be incorporated into an expanded Labour Court.

**Multi-stakeholder initiatives**

1. *Does the government participate in one or more multi-stakeholder initiatives relevant to business and human rights?*
	1. *If yes, please enumerate.*

A CSR Stakeholder Forum has been established to progress the objectives of the National Plan on CSR (detailed at Q6 and 7 above). The Forum includes relevant Government Departments and Agencies and other stakeholders including representatives from the Irish Human Rights Commission and Director of the Human Rights Unit in the Department of Foreign Affairs and Trade.