

B-Tech Peer Learning Platform

Summary Note – Sixth Session

INTRODUCTION

On 08 November 2023, the [UN Human Rights B-Tech Project](#) held the sixth session of the Peer Learning Platform (PLP), a series of webinars open to participants from a diverse range of tech companies from different geographic regions.

The B-Tech Project aims to prevent and mitigate human rights risks relating to the development and use of digital technologies. This is done through promoting effective implementation of the UN Guiding Principles on Business and Human Rights (“UNGPs”) in tech. Over the past years, the B-Tech Project has engaged with several companies in the sector through the [Tech Company Community of Practice \(CoP\)](#), which has greatly informed and enhanced the many different B-Tech [outputs](#). To expand engagement to more companies from diverse geographic regions, the B-Tech Project introduced the PLP to be open to any company from the tech sector or with an interest in the application of the UNGPs to the sector.¹ The PLP is intended to:

- Broaden tech companies’ engagement with the UNGPs, informed by B-Tech foundational guidance;
- Support capacity building within these companies;
- Broker connections among human rights functions across the industry; and
- Foster geographic outreach to tech firms headquartered globally.

Held in two sessions at 10am CET and 9am PDT to accommodate participants in different time zones, the sixth convening of the PLP introduced participants to the concept of [Stakeholder Engagement and the Technology Sector](#) through UNGPs’ guidance as well as B-Tech’s recommendations for better business practice and collaboration among all stakeholders, to enhance the role that affected stakeholders play in the design, development, deployment and use of digital technologies.

PART I: STAKEHOLDERS’ ROLE UNDER THE UNGPs

Stephanie Seale² began with an introduction to the session emphasising Stakeholder Engagement as a key component of the due diligence process, taking place throughout the lifecycle of tech: from development to application/use.

¹ Participation in the Peer Learning Platform is limited to representatives from industry to foster an open, peer learning environment. B-Tech offers a separate opportunity for civil society representatives, as well as various multi-stakeholder engagements and events.

² Stephanie Seale is an Advisor to the B-Tech Project.

Stakeholders are individuals or organisations that may affect or be affected by companies' decisions and actions. In the area of tech, this encompasses users and customers of products and services, and given the vast scope of the sector, the scale of these stakeholders may vary widely. Different stakeholders include but are not limited to employees, contractors, and subcontractors that can be part of the *internal* stakeholder ecosystem; as well as communities, government regulators, and investors.

Lene Wendland³ gave a presentation on effective engagement with stakeholders, covering the notion of engagement of stakeholders across all aspects of the due diligence process through a lifecycle approach, as opposed to businesses working with stakeholders only at occasional or discrete points in time.

The presentation started with revisiting UNGP 18 and deciphering the requirements for a successful stakeholder engagement. Particular focus was placed on the notion of **potentially affected groups and other relevant stakeholders**. In order to gauge what the human rights risks are and to assess what their impact is, it is important to involve in this process potentially affected groups and other stakeholders that are appropriate to the size of the enterprise and the nature and context of operations.

Stakeholder engagement is a crucial part of the due diligence process, one of the elements for which a company can determine what its products' risks to people might be. A company would then go out and speak to those who might be impacted and who have been impacted to understand what those impacts look like, as an essential way of coming up with measures that would be effective in preventing and mitigating future harms.

It is a vital element of the human rights-based approach to stakeholder consultation, as opposed to other types of market research or product roll-out. It is about developing an understanding of where stakeholders with risk might be impacted.

Wendland emphasised the notion of better communication as a key element of the process, not merely as a follow-up step. Additionally, making engagement with stakeholders less of a transactional activity and more about establishing and nurturing relationships with affected people and stakeholders legitimizes the process.

The B-Tech Project, through a subcommittee on stakeholder engagement composed of participants from the tech industry and civil society in 2022-23, developed a brief [white paper](#) where we identified five best practices for tech companies to improve stakeholder engagement in service of human rights due diligence. In the PLP session we reviewed these five practices:

1: Identify and engage stakeholders across all aspects of human rights due diligence and remedy



The human rights due diligence process, with stakeholder engagement embedded throughout lifecycle

³ Lene Wendland is the Chief of Business and Human Rights Unit at OHCHR.

- Ability to do so depends on the kind of company, size, scale and operating context.
- Aim for relationships of quality over quantity, focused on the impact on individuals particularly who are at a high risk of vulnerability.
- Focus on engaging around the severe human rights issues.

2: Close the feedback loop

- Really hear what stakeholders have to say and implement it rather than than sending the input into a black hole.
- Explain what the process was, what was taken on the board – and maybe what wasn't taken on board – and why.
- Recognize that people seek to be heard. (It may not mean that they get to dictate what happens but there needs to be a sense that their input went somewhere and was seriously considered and then acted upon in various ways.)
- It is more about lifecycle that the due diligence process is designed to do, where would be important for stakeholders to feel that they had been consulted.

3: Establish and nurture relationships, not transactions

- Consider this as a continuous, long-term relationship
- Build relationships with affected people stakeholders whenever the case may be, where there is a sense of trust in appropriate levels of disclosure (easier if there is an ongoing relationship that can be tapped into where things can escalate extremely quickly, like conflict situations)
- Having a relationship with some of the key actors as a valuable investment that will also improve the quality of the import.

4: Collaborate to engage voices from the Global Majority

- More proactive engagement in the Global Majority to ensure plethora of voices are represented in the engagement.

5: Resource stakeholders to engage with companies' human rights due diligence

- Provide adequate resources, even to counterparts engaging with stakeholders and ensuring that there is a viable basis for those actors to function and provide the kind of feedback that is helpful and at a level that is actionable.
- Consider ways whereby one can collectively enhance the capacity and the resource base for securing these important partners.
- Find ways to provide resources to civil society organizations experiencing “stakeholder fatigue.”

Wendland also noted the [resource](#) developed by B-Tech Partner European Centre for Nonprofit Law (ECNL): The [Framework for Meaningful Engagement](#) is targeted specifically at meaningful engagement in AI products and services, but is also relevant for civil society, large and small businesses, and governments more broadly as it goes into the details of engaging throughout the product lifecycle.

PART II: STAKEHOLDER ENGAGEMENT: *PRACTITIONER PERSPECTIVES*

B-Tech invited two practitioners to share their approaches to stakeholder engagement in practice. In the morning session, we welcomed the presentation of the lead of **Meta's stakeholder engagement team**. The company has clearly invested significant time and resources into the process of working with stakeholders, developing five foundational principles: voice, privacy, safety, dignity, and authenticity, with three core principles that guide stakeholder engagement. The speaker noted these as central to their identifying and working with stakeholders, and eliciting related questions:

- Inclusivity: “We have developed an Inclusivity Framework – a practical tool that helps us to embed an inclusive approach to stakeholder engagement. How do we decide who to engage with in the first place and ensure that underrepresented groups, vulnerable groups or minorities’ communities are included and heard in our processes?”
- Expertise: “How do we find the relevant experts and make them part of the decisionmaking? How do we also include those with lived experience to be part of the policy development process?”
- Transparency: “How can we build trust by making sure our policy development process is open? How best can we approach the barriers of engagement and ensure our policies are tested through consultation and a candid exchange of views?”

By using these principles, plus a diverse range of stakeholders including internal and external experts, academics, potentially impacted people, and those with lived experience, the team has codified what they see as four key areas of learning around stakeholder engagement:

- It is crucial to build trust in the engagement process itself. [The company] recognizes a trust deficit and is actively working on building it by fostering continuous relationships with stakeholders instead of using an extractive approach.
- It is critical to ensure stakeholders have the capacity to engage meaningfully with policies. This means supporting stakeholders with the knowledge and skills required to effectively participate in the engagement process.
- Engagement must be meaningful. Some stakeholders may need to discuss certain topics in more detail to understand fully how they intersect with their lived experiences. This approach ensures that the engagement process is tailored to the needs of all stakeholders.
- Stakeholder engagement is an ongoing process that requires continuous effort and improvement. By focusing on these key areas, [the company] is committed to building a more inclusive and transparent engagement process that benefits all stakeholders involved.

Q&A - Tech company

Q: *Based on the importance of making sure that there is a feedback loop for those being consulted and those with whom the company engages with, how would you place that feedback loop in the process of community standards development?*

A: Our company hosts a Policy Forum to discuss the feedback on the policy development process. We invite external stakeholders to engage at the forum and participate in the internal

meeting, where they can see how their feedback was used to develop and refine the policy. This provides transparency and ensures the policy development process is collaborative and inclusive. There are three key steps involved in the policy forum process.

- Firstly, the company meets with external stakeholders before the policy forum to receive feedback on the policy. The number of stakeholders involved varies depending on the policy and the region.
- Secondly, stakeholders attend the internal meeting as observers and are given a debrief before and after the policy forum. The company also shares the minutes of the internal meeting on its transparency center.
- Finally, a post-engagement meeting is held with some of the stakeholders who attended the internal meeting. The meeting aims to review concepts and provide a debrief again, as stakeholders may feel overwhelmed by the legal and technical jargon involved in the process.

Q: When in the process of stakeholder engagement there is feedback received from different stakeholders and different groups of stakeholders that might be conflicting, how do you approach that and incorporate into this process?

A: It is inevitable to receive conflicting feedback, but we never discard it. Instead, we see it as an opportunity to assess our policies. Although it's not always possible to address every concern, we consider all feedback received. While the final outcome may not satisfy everyone, we believe that our policies are always a work in progress, and we remain open to re[starting] the policy development process to consider any new feedback. Every six months, during our work planning periods, other internal teams ask us if there are any insights from our stakeholders that they want us to work on. Additionally, completed policies may be re-evaluated based on stakeholder feedback and other signals.

Wendland added that when consulting with stakeholders, it doesn't mean that a company has to take everything on board but it has to be able to explain how it's still effectively managing its human rights risks. So it is about having a certain level of transparency around the basis for the decisions in terms of what is prioritised, as far as managing human rights risks are concerned. Stakeholder input cannot be a “straight jacket” because sometimes they may not have a full perspective on the broad basis on which to understand the prioritisation of the company.

The afternoon session welcomed a speaker from **BSR**, an expert consultancy whose client base with a multitude of tech firms has yielded significant understanding of the **State Of Stakeholder Engagement in the Tech Sector**. Working with over 80 tech companies, and having interviewed dozens of civil society organizations over the course of this research, they have come to recognize a wide variety of practices and approaches across different companies with different purposes and methods.

At present this has meant that “stakeholder engagement” in the tech sector has come to embody:

- Something that is expected of all tech companies;

- Representing a wide variety of practices/approaches across companies, but generally including general insights into human rights impacts and specific insights as part of human rights assessments;
- A general improvement over recent years but still needing significant work - organization of it has been ad hoc and inconsistent;
- Frequent mentions of stakeholder fatigue - returning to the same CSOs or experts repeatedly;
- Focus on geographic risks and content policy.

This is likely evolving, however, and in the future the engagements will:

- Expand, to State/public policy, documentation, and trust and safety work, as part of policy/regulatory requirements or legal compliance issues;
- Shift away from 1:1 relationships or one-off, informal consultations toward a more formal advisory council structure for more general stakeholder engagement needs;
- Attempt to improve efficiency and address stakeholder fatigue through multi-company means of engagement;
- Expand engagement on product development;
- Increase engagement with investors as they become increasingly involved in the human rights conversation.

The speaker suggested that there are a number of “Characteristics of Effective Engagement,” many of which align with the B-Tech suggested best practices for tech companies in the paper mentioned above:

- Companies are transparent and clear: includes plainly laying it all out on the table, including any sort of barriers to the engagement, or the information that cannot be shared for various reasons and any internal restrictions they are working with;
- Mutual understanding of goals and parameters: reducing the mismatch between companies’ specific goals that are not always communicated to the stakeholder and vice versa;
- Recognition of good faith and common goals on both sides: important for civil society to remember that everyone is a human and that companies are not monolithic;
- Openness to learning on both sides: recognizing that nobody knows everything and there is expertise to be shared around;
- Appropriately inclusive: Global South inclusion and ensuring that the right people are in the room on the company’s side and on the civil society side;
- Specific, applied, and appropriate format: when an engagement is focused on a very specific goal or specific issue, there is a higher likelihood of success on both sides. The right format for the engagement in some cases may differ; in some a group format might be more appropriate. For others, if the goal of the engagement is to achieve deep insight into issues, then it is definitely better to do it in a 1:1 setting;
- Sustained engagement over time: the most effective sort of engagements are where both sides are involved in a sustained relationship over time.

The speaker also walked through challenges in conducting effective stakeholder engagement, highlighting two issues that are emerging:

- Increased legal risk – the growth of regulation, public spotlight on tech, and litigation for human rights related issues is making companies increasingly nervous about frank stakeholder engagement and creating constraints to meaningful engagement.
- The increasingly technical nature of engagement – for companies that have been engaging for longer, the low-hanging fruit issues are largely known. Increasingly companies need insight into highly technical issues that most civil society are not prepared to advise on without sufficient preparation / explanation from the company.

Q&A – Consultancy

Q: Any Recommendation for addressing stakeholder engagement fatigue?

A: This is not totally solvable [at present], but will require more industry coordination to solve. Some recommendations can be:

- Spread the love: don't go back to the same stakeholders all the time unless you have you a standing agreement with them or they're being compensated in some way.
- Compensation: for long-term stakeholders engagements, find a way to compensate in some manner (This may be tricky because many are not at all interested in taking company funding.)
- Group multi-company engagement: collaborate with companies having similar issues and do engagement together. This happens often for market context. GNI is an example of a potential space for that kind of multi-company engagement.
- On product side: The challenge here is the pace of product development is often very fast and stakeholder engagement takes time. Plan for how to engage in a way that is not too much of a lift for the company in the middle of a busy product development process—ideally it should fit into a natural part of the process and look different depending on the lifecycle (e.g. as a component of UX research). Think through the details of what that might look like and plan in advance (e.g. have the stakeholder identified, have clearance about what product details can be shared, etc.). The ECNL Framework for Meaningful Engagement in AI is a good reference for thinking about how to do engagement in product development.

PART III: 2024 — THE WAY FORWARD

Participants may join in any or all of the sessions of the PLP, which do not constitute a linear course. B-Tech posts brief summary notes, such as this one, of the issues covered in each session, on our [website](#). As per the Chatham House Rule, these notes will have no attribution. The B-Tech Project welcomes participants to share their ideas for particular dilemmas or urgent topics to be covered in future B-Tech activities.

For additional information about the B-Tech Peer Learning Platform, please contact OHCHR-b-techproject@un.org.

For more information about the B-Tech Project, including past and upcoming activities, please visit the B-Tech [project portal](#).

