SUPPLEMENTARY SUBMISSION FROM UKTI

UK Trade & Investment gives guidance to all its staff on issues including Human Rights and Corruption and Bribery. Core messaging is copied below (with individual staff contact names removed). UKTI offers advice on other issues such as gender and sexual orientation bias on a country by country basis but this would normally be on an individual level. UKTI works to its parent departments, Business, Innovation & Skills and Foreign & Commonwealth Office: “ensuring responsible corporate behaviour” is a key theme for BIS, whilst “Promoting our values, including human rights”, is a core strand of the FCO.

In December 2014, the Government published a new Anti-corruption Action Plan to enable a more joined up approach by government departments to tackle it. Action 58 in this plan is to create an online Anti-corruption Toolkit for Government officials posted overseas; this work is being led by the FCO and DfID who are working with an NGO called IBLF Global to develop the toolkit, with input from UKTI, businesses and other stakeholders.

Business and Human Rights

UKTI has a key role to play in improving UK companies' understanding of human rights issues when doing business overseas and ensuring UK companies are aware of their responsibilities.

We must all ensure that business and human rights policy is mainstreamed into our work and that UK business have access to the relevant advice and guidance. FCO colleagues are integrating it into their wider work on prosperity and human rights policy. UKTI has a duty to UK businesses to provide them with all of the advice and information they need to succeed in foreign markets. Human rights guidance is a core part of that.

Business and Human Rights – What you and UK Businesses need to know

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The UN Guiding Principles on Business and Human Rights (UNGPs) state that governments have a duty to protect against human rights abuses committed by business. All businesses have a responsibility to respect human rights. Both have duties to provide remedies.

The UK Action Plan, entitled "Good Business", is jointly owned by the Foreign and Business Secretaries and mirrors the three pillars set out in the UNGPs: the state’s
duty to protect against human rights abuses by third parties, including business; the responsibility of companies to respect human rights; and the need for access by victims to effective remedy, judicial and non-judicial.

All UKTI staff who work with business or with business organisations should:

Proactively raise business and human rights with businesses in market/with plans to enter the market as part of your normal service. If you are not already aware of them, you will need to do some initial research so that you understand the human rights risks associated with major sectors in the relevant market and UK exposure to these risks so that you are able to discuss export plans in the context of local human rights issues.

- Signpost businesses to the support and resources available, e.g. the ILO (international Labour Organization) helpline for businesses: assistance@ilo.org, the Overseas Business Risk Service and resources below.

- Include guidance on business and human rights in briefings and collateral for Trade Missions, Ministerial Visits and Events, particularly where there are known issues in market.

- Engage business bodies, Chambers of Commerce and trade associations – talk to them about the Action Plan and seek their support in disseminating the key messages and signposting businesses to the support available.

- Tell us what you’re doing. Report back on issues and success stories so that we can recognise these and share best practice.

- Support UK companies to deal with allegations or difficult issues through appropriate channels at Post (there is guidance on this in the toolkit), and via your Business and Human Rights Officer or get in touch with the business and human rights team if you need further help.

Further information and useful resources

- The UN Guiding Principles
- Business and Human Rights Toolkit (2011):
- Business and Human Rights Resource Centre
- Overseas Business Risk Service
- European Commission guidance for SMEs
- OECD Guidelines for Multinational Enterprises
- Equality and Human Rights guidance for business
Bribery

All UKTI staff, in the UK and overseas, should be aware of the key provisions in the Bribery Act 2010. Given UKTI's unique position of having access to business and knowledge of the markets in which they seek to operate, we have a responsibility both to promote awareness of the Bribery Act and of specific market related issues.

Bribery Act - What business needs to know

The UK Bribery Act continues to be a subject of discussion and consideration for both Business and Government.

Given UKTI's unique position of having access to business and knowledge of the markets in which they seek to operate, we have a responsibility both to promote awareness of the Bribery Act and of specific market related issues.

FCO have published a fresh instruction to Posts (DIPTEL 1203919 refers) to raise awareness of the UK's Bribery Act, with particular emphasis on:

a. The requirement to work with UK business present in market to identify challenges and resolve specific troublesome aspects of bribery and corruption.

b. The responsibility of staff to report on local bribery and corruption issues and any instances of bribery involving UK firms.

The message is clear that ethical business behaviour should be seen as part of the USP of the UK PLC; accordingly, all those working to deliver UKTI services have a responsibility to help explain how robust action against bribery will strengthen free market forces and fuel competition. This will lead to prices coming down, services improving and business growth.

Hospitality and Promotional Expenditure

The Government recognises that reasonable and proportionate hospitality or promotional expenditure is an established and important part of doing business. There is no intention to clamp down on such expenditure. But, hospitality and promotional expenditure can be used as a bribe and the Act must be capable of dealing with such forms of bribery.
Facilitation payments

There has never been an exemption for facilitation payments (small bribes to secure routine government action). The Bribery Act does not change that position. We believe they also undermine corporate anti-bribery procedures and confuse the anti-bribery message to employees and business partners. Also, prosecutors will have regard to the public interest in prosecution of facilitation payments particularly where they are paid, for example, under circumstances that e.g. amount to extortion.

The SFO have published a letter which is available for Government or Business to use in circumstances where they are confronted with a request for facilitation payments. [Weblink: SFO letter to be used when faced with demands for facilitation payments]

Reporting Suspected Cases of Bribery

All staff who become aware of allegations and acts of bribery committed by individual UK nationals, companies or other incorporated bodies are required to report the details directly to the Serious Fraud Office (OverseasCorruption@sfo.gsi.gov.uk). You should not attempt to assess the veracity of such allegations: this is a task for our law enforcement and prosecution colleagues. You may, however, wish to include in the report indications of possible frivolous or vexatious action by the original source.

Further information and resources

**Oversea Business Risk**

Further information regarding Bribery and Corruption can be found within the Overseas Business Risk webpages on the public website.

**Anti-Corruption**

The BIS Trade Policy Unit coordinates anti-corruption advice to UK business on bribery law and managing the risks of overseas corruption, including international best practice standards and practical tools.

Another key resource is the UK-sponsored Business Anti-Corruption Portal. The portal contains a variety of instruments and information which can be used alone or in combination.

**Good Practice**

The OECD Working Group has agreed good practice guidelines on bribery.

**Training**

Download an anti-corruption training tool for companies facing bribe solicitation or extortion.