

Questionnaire for the monitoring of the National Action Plan for Business and Human Rights 2016-2020

This questionnaire forms the basis for the representative survey 2019. Numbering, questions and possible answers correspond to those in the online questionnaire. The link to the online questionnaire will be sent to all companies in the sample by email. Please note that for some questions, certain answers may result in the subsequent questions being omitted. The Comply-or-explain mechanism allows you (depending on your answer behavior) to explain your answers in follow-up questions. These follow-up questions appear when you select certain answer options (see notes in this document) or for certain answer combinations (not defined in this document).

The German version of the questionnaire is also published in appendix 5 of the “Zwischenbericht” (document only available in German) and contains a comparison per question regarding the wording of the NAP and an explanation of the elements respectively wording of the UN Guiding.

0. Preliminary questions		
Numbers	Question	Answers
0.1	What is the name and the legal form of your company?	[Free text]
0.2	Is your company a non-profit organization according to § 52 AO [German Tax Code]?	<ul style="list-style-type: none"> i. Yes ii. No
0.3	Is your company in possession of majority-owned affiliated companies according to § 271 (2) HGB [German Commercial Code]?	<ul style="list-style-type: none"> i. No ii. Yes, in Germany iii. Yes, in other European countries iv. Yes, in another country outside Europe
0.4	Is your company part of a group?	<ul style="list-style-type: none"> i. Yes, part of [Free text] ii. No <p><i>(If answer ii. is chosen, question 0.6 will be omitted)</i></p>
0.5	How many employees does your company employ?	<ul style="list-style-type: none"> i. Up to 500 ii. 501-999 iii. 1,000-1,999 iv. 2,000-4,999 v. More than 5.000
0.6	How many employees does the group, which your company is part of, employ?	<ul style="list-style-type: none"> i. Up to 500 ii. 501-999 iii. 1,000-1,999 iv. 2,000-4,999 More than 5000 <p><i>(Not applicable if the answer to question 0.4 was ii.)</i></p>



0. Preliminary questions 		
Numbers	Question	Answers
0.7	Please describe briefly (max. 1,500 characters) the value-adding activity of your company.	[Free text]
0.8	Which sector(s) does your company belong to? You can choose up to three sectors.	<ul style="list-style-type: none"> i. Automotive ii. Construction iii. Consulting, auditing and legal iv. Mining and quarrying, oil and gas v. Education vi. Chemistry vii. Electronics viii. Energy supply ix. Waste disposal x. Financial services xi. Hospitality and accommodation xii. Health care and nursing xiii. Gambling xiv. Rubber and plastic goods xv. Wood, paper and forestry xvi. Real estate xvii. Mechanical engineering xviii. Metal production and processing xix. Food, beverages, tobacco and agriculture xx. Personnel, cleaning and security services xxi. Pharmacy and biotechnology xxii. Travel, leisure and entertainment xxiii. Security and defense xxiv. Social services (excluding nursing homes) xxv. Telecommunications, software and digital xxvi. Textiles and leather xxvii. Transport and logistics xxviii. Water supply xxix. Advertising & marketing xxx. Other [Free text]
0.9	In which areas of value creation is your company active in the selected industries?	<ul style="list-style-type: none"> i. Raw material extraction ii. Manufacture of components/intermediate products iii. Production of end products iv. Sales & distribution v. Waste treatment/recycling vi. Services and support vii. Lending/Financing/Insurance

1. Policy Statement		
Number	Question	Answers
1.1.1	Does your company have a policy statement on human rights?	<ul style="list-style-type: none"> i. Yes, in a single/independent declaration ii. Yes, integrated into the company's code of conduct/ethics iii. Yes, integrated into other instruments [Free text] iv. No [Comply-or-explain] <p><i>(If the answer to this question is iv., questions 1.2.1 to 1.4.1 will be omitted)</i></p>
1.2.1	Is the policy statement available to the public?	<ul style="list-style-type: none"> i. Yes, it is available via the following link [Free text] ii. No [Comply-or-explain]
1.2.2	To which relevant stakeholder groups or potential stakeholders is the policy statement communicated?	<ul style="list-style-type: none"> i. Employees in own company ii. Employees in affiliated companies iii. Direct suppliers iv. Indirect suppliers v. Business partners/customers (B2B) vi. End customers (B2C) vii. Other stakeholders (e.g., local residents) [Free text] viii. None [Comply-or-explain]
1.3.1	Which human rights reference instruments are explicitly referred to in the statement of policy?	<ul style="list-style-type: none"> i. Universal Declaration of Human Rights ii. International Covenant on Civil and Political Rights iii. Core labor standards of the International Labor Organization (ILO) iv. National Action Plan for Business and Human Rights (NAP) v. OECD Guidelines for Multinational Enterprises vi. Guiding Principles for Business and Human Rights of the United Nations (UN) vii. Other [Free text] viii. None [Comply-or-explain]
1.4.1	Has the policy statement been passed by the company management?	<ul style="list-style-type: none"> i. Yes ii. No [Comply-or-explain]



2. Procedures for identifying actual and potential adverse human rights impacts (risk analysis)		
Number	Question	Answers
2.1.1	Has your company established a process to identify potential negative impacts of its operations on human rights (hereinafter referred to as risk analysis)?	<ul style="list-style-type: none"> i. Yes ii. No [Comply-or-explain] iii. No, in progress [Comply-or-explain] <p><i>(If the answer to this question is ii. or iii., questions 2.2.1 to 2.6.1 will be omitted)</i></p>
2.2.1	Which stages of the value chain do you analyze with regard to human rights risks?	<ul style="list-style-type: none"> i. For your own operations or locations ii. For majority-owned affiliated companies (as defined in § 271 HGB) in Germany iii. For majority-owned affiliated companies (as defined in § 271 HGB) in other countries iv. For the direct supply chain (direct contractual relationship) v. For the indirect supply chain (indirect business relationship) vi. For own products, services or projects vii. For investment activities viii. For no stage [Comply-or-explain]
2.2.2	Which potentially affected groups are considered in the analysis process?	<ul style="list-style-type: none"> i. Employees in own company ii. Employees in affiliated companies iii. Employees in the direct supply chain iv. Employees in the indirect supply chain v. Business partners/customers (B2B) vi. End customers (B2C) vii. Other stakeholders (e.g., local residents) [Free text] viii. None [Comply-or-explain]

Result 2.3 Detailed answer options can be selected for questions 2.3.2 to 2.3.4 for all stages of the value chain selected in 2.3.1. Question 2.3.5 offers a free text field for further answers.				
Number	2.3.1	2.3.2	2.3.3	2.3.4
Question	At which stages of the value chain have you identified potential negative impacts on human rights?	Are the identified risks (potentially) particularly high negative impacts on human rights?	What human rights issues have you identified in this context?	Which potentially affected groups have you identified in this context?
Answer				
i. For your own operations or locations	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
ii. For majority-owned affiliated companies (as defined in § 271 HGB) in Germany	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
iii. For majority-owned affiliated companies (as defined in § 271 HGB) in other countries	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
iv. For the direct supply chain (direct contractual relationship)	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
v. For the indirect supply chain (indirect business relationship)	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
vi. For own products, services or projects	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
vii. For investment activities	(X)	i. Ja ii. Nein	<i>See below</i>	<i>See below</i>
viii. None	<i>If this answer is given, questions 2.3.2 to 2.3.4 will be omitted</i>			
Possible answers to 2.3.3		Possible answers to 2.3.4		
Human rights issues		Potentially affected groups		
<ul style="list-style-type: none"> i. Modern slavery ii. Child labor and youth employment iii. Health and safety at work iv. Freedom of association v. Discrimination vi. Conflicts and security vii. Corruption and bribery viii. Particularly vulnerable groups ix. Land use and property rights x. Education xi. Environmental protection and health xii. Data protection and privacy xiii. Consumer protection and product responsibility xiv. Other [Free text] 		<ul style="list-style-type: none"> i. Employees in the company ii. Employees in affiliated companies iii. Employees in the direct supply chain iv. Employees in the indirect supply chain v. Business partners/customers (B2B) vi. End customers (B2C) vii. Other stakeholders (e.g., local residents) viii. Other [Free text] 		

2. Procedures for identifying actual and potential adverse human rights impacts (risk analysis) 		
Number	Question	Answers
2.4.1	Do you evaluate or prioritize the risks identified in the risk analysis?	<ul style="list-style-type: none"> i. Yes, based on the number potential affected. ii. Yes, due to the severity of the potential impact. iii. Yes, due to the irreversibility of the potential impact iv. Yes, due to the potential impact on the company's reputation. v. Yes, due to possible legal implications for the company vi. Yes, due to other factors [Free text] vii. No [Comply-or-explain]
2.4.2	What types of (potential) impact on human rights do you consider in the context of risk analysis?	<ul style="list-style-type: none"> i. Impact directly caused by the company ii. Impact to which the company contributes iii. Impact indirectly associated with the company iv. Other [Free text] i. None
2.4.3	Which human rights reference instruments do you take into account in your risk analysis?	<ul style="list-style-type: none"> i. Universal Declaration of Human Rights ii. International Covenant on Civil and Political Rights iii. Core labor standards of the International Labor Organization (ILO) iv. OECD Guidelines for Multinational Enterprises v. Guiding Principles for Business and Human Rights of the United Nations (UN) vi. Other [Free text] vii. No consideration of international reference instruments [Comply-or-explain]
2.4.4	Which context-dependent factors are taken into account in the risk analysis?	<ul style="list-style-type: none"> i. Political framework ii. Legal framework iii. Vulnerable groups of people (e.g., indigenous peoples) iv. Sector, product, or service-specific factors v. Other [Free text] vi. Context-dependent factors are not taken into account

2. Procedures for identifying actual and potential adverse human rights impacts (risk analysis) 		
Number	Question	Answers
2.4.5	Which information sources do you use to execute the human rights risk analysis?	<ul style="list-style-type: none"> i. Discussions in your own company ii. Discussions in affiliated companies iii. Discussions with business partners (suppliers, customers, etc.) iv. Qualitative document research v. External data or databases vi. Internal data vii. External expertise viii. Other [Free text] ix. No information sources used [Comply-or-explain]
2.5.1	Is the risk analysis scheduled to be updated regularly?	<ul style="list-style-type: none"> i. No, one-off test ii. Yes, at the following regular intervals [Free text] iii. Yes, when launching new business areas, products or projects [Free text] iv. Yes, as part of the following processes [Free text] v. Yes, on other defined occasions [Free text]
2.6.1	How do you obtain further information to consider particularly high risks (in the sense of an in-depth examination)?	<ul style="list-style-type: none"> i. No particularly high risks were identified ii. In dialogue with (potentially) affected persons on the spot or with a legitimate representative of the affected persons iii. Through the involvement of internal expertise in the field of human rights [Comply-or-explain] iv. Through the involvement of external expertise in the field of human rights v. By other measures [Free text] vi. No in-depth examination shall be carried out [Comply-or-explain]



3. Measures and effectiveness control 		
Number	Question	Answers
3.1.1	Have you identified measures to prevent or mitigate (potential or actual) negative impacts on human rights?	<ul style="list-style-type: none"> i. Yes, based on human rights risk analysis ii. Yes, independent of a human rights risk analysis [Comply-or-explain] iii. Yes, based on other analyses [Free text] iv. No measures have been identified [Comply-or-explain] <p><i>(If the answer to this question is iv., questions 3.2.1 to 3.3.3 will be omitted)</i></p>
3.2.1	What measures does your company implement to counteract actual and potential adverse effects on human rights?	<ul style="list-style-type: none"> i. Measures in own operations or at own locations [Free text] ii. Measures at subsidiaries or majority shareholdings [Free text] iii. Measures in the direct supply chain [Free text] iv. Measures in the indirect supply chain [Free text] v. Measures with a view to products, services and the project business [Free text] vi. Measures for investment opportunities [Free text] vii. Participation in association/industry initiatives [Free text] viii. Other [Free text]
3.2.2	Which employees are trained in human rights aspects?	<ul style="list-style-type: none"> i. All employees ii. Selected functions in the company <ul style="list-style-type: none"> a) Management b) Compliance/Legal department c) Human Resources/Personnel d) Procurement/Purchasing e) Sales/Distribution f) Investment management g) CSR/Sustainability h) Communication/Investor Relations i) Other [Free text] iii. None [Comply-or-explain]
3.2.3	Does your human rights due diligence procedure provide for reparation in the event of actual negative effects?	<ul style="list-style-type: none"> i. Yes, as follows [Free text] ii. No [Free text]



3. Measures and effectiveness control			
Number	Question	Answers	
3.3.1	Which organizational aspects are taken into account when implementing measures?	<ul style="list-style-type: none">i. Assignment of responsibilitiesii. Formulation of objectives for measuresiii. Goals are communicated internally and/or externallyiv. Compliance verification (verification mechanism)v. Other [Free text]]	
3.4.1	Is an effectiveness check carried out on the measures taken?	<ul style="list-style-type: none">i. Yes, in the following manner [Free text]ii. No [Comply-or-explain]	
3.4.2	How often is an effectiveness check carried out?	<ul style="list-style-type: none">i. At least once a yearii. Periodically [Free text]iii. No regular check	
3.4.3	Do you enter into dialogue with (potentially) affected parties within the framework of effectiveness monitoring?	<ul style="list-style-type: none">i. Yes, as follows [Free text]ii. No [Comply-or-explain]	



4. Reporting 		
Number	Question	Answers
4.1.1	Does the company <u>internally</u> document the implementation of human rights due diligence?	<ul style="list-style-type: none"> i. Yes ii. No [Comply-or-explain] <p><i>(If the answer to this question is ii., questions 4.2.1 to 4.2.4 will be omitted)</i></p>
4.2.1	Do you <u>externally</u> communicate the implementation of human rights due diligence?	<ul style="list-style-type: none"> i. Yes, the company reports externally. Reporting is available at the following link [Free text must contain link] ii. No [Comply-or-explain] <p><i>(If the answer to this question is ii. questions 4.2.2 to 4.2.4 will be omitted)</i></p>
4.2.2	Which topics are covered in that communication?	<ul style="list-style-type: none"> i. The risk analysis procedure ii. Identified human rights aspects iii. Actual effects iv. Measures taken v. Defined responsibilities in the company vi. Other topics [Free text]
4.2.3	At what intervals does the company report externally?	<ul style="list-style-type: none"> i. Every year ii. Every two years iii. Every three years iv. Periodically [Free text] v. No regular reporting [Comply-or-explain]
4.2.4	How do you make sure that the information is <u>suitably formulated</u> for the addressees?	<ul style="list-style-type: none"> i. As follows [Free text] ii. No [Comply-or-explain]

5. Complaints mechanism		
Number	Question	Answers
5.1.1	In what form do you offer a complaint mechanism?	<ul style="list-style-type: none"> i. Own complaint procedure ii. External complaint procedure <ul style="list-style-type: none"> ii.a. At association level [Free text] ii.b. As part of a sector initiative [Free text] ii.c. Other [Free text] iii. There is no complaint procedure [Comply-or-explain] <p><i>(If the answer to this question is iii., questions 5.2.1 to 5.2.4 will be omitted)</i></p>
5.2.1	Which potentially affected groups have access to the complaint mechanism?	<ul style="list-style-type: none"> i. All groups, publicly available procedure. This is accessible under the following link [Free text must contain link] ii. Selected stakeholders: <ul style="list-style-type: none"> a) Employees in own company b) Employees in affiliated companies c.) Employees in the direct supply chain d) Employees in the indirect supply chain e) Business partners/customers (B2B) f) End customers (B2C) g) Other stakeholders (e.g., local residents) iii. None [Comply-or-explain]
5.2.2	How do you ensure that the complaint mechanism can be used by (potentially) affected persons?	<ul style="list-style-type: none"> i. By involving potentially affected parties (target groups) in the design of the procedure ii. By breaking down language barriers iii. By breaking down technical barriers iv. By other means
5.2.3	How do you ensure that the mechanism is <u>fair, transparent, balanced and calculable</u> ?	<ul style="list-style-type: none"> i. As follows: [Free text]
5.2.4	How and how often do you check the effectiveness of the complaint mechanism?	<ul style="list-style-type: none"> i. As follows: [Free text]



6. Concluding Questions 		
Number	Questions	Answers
6.1	What challenges do you see in the implementation of human rights diligence in your company? What support would you like in this context, e.g., from the Federal Government or industry associations?	[Free text]
6.2	What is the function or department of the person in your company who is responsible for processing this questionnaire?	<ul style="list-style-type: none"> i. Function Person 1: [Free text] ii. Function Person 2: [Free text] (optional)
6.3	If the company belongs to a group as an affiliated company: were employees of the parent company involved in completing the questionnaire?	<ul style="list-style-type: none"> i. Yes ii. No
6.4	May we contact you with questions regarding content in the scope of monitoring?	<ul style="list-style-type: none"> i. Yes ii. No <p><i>(If the answer to this question is ii., question 6.5 will be omitted)</i></p>
6.5	Thank you very much! Please enter the contact details (telephone and email) of at least one contact person.	[Free text]