



BERLIN CSR CONSENSUS

*on corporate responsibility
in supply and value chains*

**Adopted in Berlin on 25 June 2018
by the National CSR Forum of Germany's Federal Government**

FOREWORD

Germany's economy is highly export-oriented. Almost every fourth job depends on exports. At the same time, being a country with few natural supplies of raw materials, we are dependent on imports, especially in the energy sector. Due to this strong integration into global import-export markets, German companies face particular human rights challenges in their supply and value chains. Many companies are currently experiencing first hand that the requirements concerning responsible supply chain management are increasing both nationally and internationally. In the National Action Plan for Business and Human Rights, Germany's Federal Government formulated its expectations for the systematic management of human rights risks for the first time in 2016. The EU has adopted legal requirements concerning CSR reporting and on due diligence for the import of certain minerals, which are to be implemented in German law. Countries such as the USA, the UK and France have passed laws on human rights due diligence, which can also apply to German companies based there. Corresponding laws are being planned in other countries, such as Switzerland, the Netherlands and Australia.

In this situation, companies need clear guidance. It is precisely in this respect that the Berlin CSR Consensus on Corporate Responsibility in Supply and Value Chains is of particular importance. It is the first consensus-based policy document in which the social partners from business and labour, the chambers of industry and commerce and the chambers of crafts as well as civil society have joined together to describe the requirements for responsible and sustainable management of supply and value chains – a great success for the National CSR Forum. As the ministry responsible for corporate social responsibility, the Federal Ministry of Labour has repeatedly emphasised the importance of involving the various stakeholders in shaping CSR policies so that they are as practical as possible.



I hope that the Berlin CSR Consensus will lead to fruitful discussions within companies, so that management and employees can work together to develop and implement sustainable corporate strategies with regard to responsible supply chain management.

A handwritten signature in black ink, appearing to read 'Björn Böhning'. The signature is written in a cursive style.

Björn Böhning
State Secretary, Federal Ministry of Labour and Social Affairs

FOREWORD

The Berlin CSR Consensus on corporate responsibility in supply and value chains is particularly valuable for several reasons. The document has been jointly adopted by the members of the National CSR Forum of Germany's Federal Government. In this forum the entire spectrum of societal stakeholders has for the very first time reached a common understanding on the necessary requirements for the responsible and effective management of global supply and value chains. The document is also the result of an intensive discourse, to which all parties have devoted a lot of time and energy to reach a consensus in spite of their different interests and opinions. Finally, the Berlin CSR Consensus also provides important cross-sector guidance to companies of all sizes as to how they can exercise corporate due diligence appropriately with regard to social, ecological and human rights standards.

A unique feature of the Berlin CSR Consensus is that all stakeholders attach great importance to the special role of corporate management. The document sets out fundamental leadership and management principles derived from international standards that form the basis of a sustainable management and corporate culture. These can serve as an inner compass for leadership and management showing how corporate social responsibility can be put into practice in their companies in

a vibrant and innovative way and how the necessary corporate guidelines and processes can be implemented effectively.

The Berlin CSR Consensus reflects a discussion in society about how globalisation can be shaped in a fair and sustainable manner. According to the CSR Forum's common understanding, this is by no means a challenge for companies alone, but also a challenge requiring the involvement of various other players in society. Therefore representatives of the social partners, chambers of industry, commerce and crafts and civil society have for the first time expressed in a single document how they want to contribute to making global supply and value chains sustainable. At the same time, they state clearly what they expect from the Federal Government, so that it not only fulfils its protective duties, but both supports and challenges companies.

We hope that the Berlin CSR Consensus will encourage all multi-stakeholder initiatives both nationally and internationally to work together to achieve a sustainable economic, social and ecological development.



A handwritten signature in black ink, appearing to read 'J. Wieland'.

Professor Dr Josef Wieland



A handwritten signature in black ink, appearing to read 'H. von Meyer'.

Heino von Meyer

Professor Josef Wieland (Zeppelin University) and Heino von Meyer (OECD Centre Berlin) chaired the Working Group Berlin CSR Consensus in the framework of the National CSR Forum of Germany's Federal Government from June 2016 to June 2018. They are both members of the National CSR Forum of Germany's Federal Government.

01

INTRODUCTION

In recent years the field of action of responsible and sustainable corporate governance has become more extensive and exceeds the respective legal provisions in force. Many enterprises benefit from the advantages of open markets and global supply chains and have a share in the responsibility for their development.

They are involved in global flows of goods and trade and depend on globally traded raw materials. They invest abroad, create jobs, outsource parts of their production and purchase goods in international markets from suppliers, which in turn have ties with various subcontractors. Global supply and value chains have thus become more complex and, especially in transnational economic relations, may entail considerable economic, political, ecological, social and cultural risks. Time after time the world is faced with major human rights challenges, especially because many states fail to meet their obligation to protect human rights adequately.

Given this complexity, enterprises are facing considerable challenges regarding sustainability in their supply chains. Business partners, consumers or investors, trade unions, non-governmental organisations or policymakers – they all expect enterprises to be aware of the risks and effects of their actions and comply with fundamental social, ecological and human rights standards in the framework of their business activities. The requirements of state and multinational organisations, e.g. regarding human rights due diligence or non-financial reporting, are increasing at national, European and international levels.

Not only big brand enterprises, but also their suppliers and business partners – often small and medium-sized enterprises – are confronted with the corresponding demands from their customers. Some suppliers sign codes of conduct as required by customers without knowing the exact consequences. Even small and medium-sized enterprises are faced with the expectation that they set-up their value chains in a transparent and responsible manner from the extraction of raw materials to the finished product. However, their resources and their influence in the supply chain are often limited, and the cost pressure in competitive markets is high. In other situations, for example when they hold significant market power, they can exert a bigger influence in their supply chain. Indeed, in

many countries German enterprises not only add to their economic development in the form of added value and the creation of jobs but often also contribute to their sustainable development by complying with high labour and environmental standards.

We, the organisations representing business, trade unions and civil society in the National CSR Forum of Germany's Federal Government, therefore wish to support enterprises and encourage them to pro-actively tackle the new challenges. Effective sustainability management also increasingly provides enterprises with opportunities to improve their own competitive position. It supports them in coping with risks, leads to customer and staff loyalty, wins over investors, increases product quality and thus the attractiveness to consumers.

With this “Berlin CSR consensus on corporate responsibility in supply and value chains” we aim to provide more guidance to private and public sector enterprises on how to practise corporate due diligence appropriately. We are supporting the German Federal Government in the process of implementing the 2030 Agenda for Sustainable Development (SDGs) and the UN Guiding Principles on Business and Human Rights. At the same time we want to contribute to a European and international discussion aimed at the creation of a common regulatory framework for global economic activities which applies equally to all actors. We consider it an important task for governments, enterprises, social partners, chambers of industry, commerce and crafts as well as NGOs to improve and promote the enforcement of human rights, labour, social, environmental and anti-corruption standards in global supply and value chains.

02

INTERNATIONAL STANDARDS FOR THE RESPONSIBLE MANAGEMENT OF SUPPLY AND VALUE CHAINS

Procurement, production, distribution – many areas of economic activity today are interconnected internationally and take place within various national governance frameworks.

In order to still be able to offer globally operating enterprises guidance regarding their business activities, international organisations have drafted guidelines to ensure that human rights, labour, social, environmental and anti-corruption standards are respected. Enterprises must be aware of the relevant standards, commit themselves to supporting them and duly consider them in their business activities.

The fundamental standards include

UN Guiding Principles on Business and Human Rights (2011), which determine the obligations of states to protect human rights, and of enterprises to respect human rights and stipulate access to remedies and redress mechanisms. The UN Guiding Principles are based on internationally recognised human rights, which have been enshrined in international law in the following frameworks in particular: Universal Declaration of Human Rights (1948), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966), ILO Declaration on Fundamental Principles and Rights at Work (1998). In 2016 Germany's Federal Government laid the foundations for the implementation of the UN Guiding Principles in the country by adopting the **National Action Plan on Business and Human Rights** (NAP). In the NAP, the Federal Government expressed its expectation that all enterprises registered in Germany implement the processes of human rights due

diligence described in the NAP in a manner commensurate to their size, sector and position in the supply and value chain in their activities and business relations.

ILO Core Labour Standards with their four fundamental principles, namely the freedom of association and the right to collective bargaining, elimination of forced labour, abolition of child labour and the ban on discrimination in respect of employment and occupation. The core labour standards are fundamental labour standards designed to guarantee decent work conditions and their adequate protection. They were enshrined in 1998 in the Declaration on Fundamental Principles and Rights at Work and in its follow-up mechanisms.

OECD Guidelines for Multinational Enterprises (1974, revised in 2011) defining corporate social responsibility regarding human rights, transparency and information, labour relations, the environment, corruption, consumer protection, technology transfer, competition and taxation as well as regulations on complaint, audit and conciliation procedures. The OECD has also adopted a general Due Diligence Guidance (2018) and sector-specific guidance (e.g. on conflict minerals, the garment and footwear supply sector, the financial sector as well as agriculture).

ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977, revised in 2017). It provides important information to international enterprises on how to set up their CSR measures in line with the ILO Core Labour Standards and other international labour conventions and recommendations.

03

LEADERSHIP AND MANAGEMENT PRINCIPLES

Corporate social responsibility can only thrive and generate innovation if managers and employees feel bound by certain fundamental principles. In many enterprises they are an inherent part of the company's policy and way of doing business. In small and medium-sized enterprises in particular the concept of the honourable merchant has a long tradition. Today this concept is understood to apply to an overall sustainable and value-based corporate and management culture.

The following principles provide enterprises with orientation, in particular when necessary information on the supply chain is lacking, when international standards and legal provisions are in conflict with one another or when there are other uncertainties:

1 Integrity:

means focusing on values like honesty, respect and reliability, that managers show dedication and serve as role models for employees beyond merely complying with regulations.

2 Sustainability:

means a corporate strategic orientation towards operating with integrity in an ecologically sound, socially balanced and economically successful manner.

3 Risk awareness:

means identifying, preventing and/or minimising the risks and impact of one's own business activities and relations in supply and value chains with regard to human rights, working conditions and workers' rights, the environment, corruption and consumer interests.

4 Participation:

means involving the main players in the supply chain in dialogue and/or the monitoring processes of relevance to them. The main players include, above all, employee repre-

sentatives, trade unions, civil society organisations, suppliers, service providers, customers and other stakeholders directly affected by the business activities.

5 Effectiveness:

means managing and handling identified risks with the aim of actually changing and improving the way things are done.

6 Added value for society:

means encouraging enterprises to look for opportunities to develop innovative products, services and business models that increase their competitiveness while improving economic, social and ecological conditions.

7 Communication:

means the willingness to provide information – internally and externally – on how the enterprise deals with risks and negative impacts. This applies in particular when the interests of relevant stakeholders are affected.

8 Transparency:

means structuring production, business and decision-making processes clearly, documenting them internally and ensuring they are well-founded and have clearly assigned responsibilities. Transparency along an enterprise's supply and value chain is an important factor for sustainable business activity and the prevention of corruption.

9 Control:

means regularly reviewing the appropriateness and effectiveness of the measures taken in accordance with recognised standards, measuring them against the objectives and, if necessary, correcting them.

04

ESSENTIAL ELEMENTS OF RESPONSIBLE MANAGEMENT OF SUPPLY AND VALUE CHAINS

Appropriate management is required to implement the outlined international standards and the derived management principles for the sustainable management of supply and value chains in operational practice.

The elements outlined here – and they can also be found in the UN Guiding Principles and in the National Action Plan on Business and Human Rights of the Federal Government and in the OECD Guidelines for Multinational Enterprises – provide an initial overview. In terms of implementation, they should not be understood as a fixed sequence, but as

elements of a dynamic and continuing (learning) process that should be regularly reviewed and developed further on the basis of individual results. When actually setting up and implementing these elements, the relevant standards should be applied. The required depth and breadth of the due diligence process depends on the size of the enterprise, the sector, the type of business activity and the severity of the risk.

► POLICY STATEMENT: Developing understanding

A statement of policy allows an enterprise to show to everyone both outside and inside the company what it stands for and which ethical principles it considers as particularly relevant for its own business activities. The statement of policy can take the form of a code of ethics, a code of conduct or a global framework agreement communicated – internally and externally – as a benchmark for the enterprise's own activities. In the statement of policy the enterprise's management clarifies how it sees its responsibilities, what its goals are, which management processes it applies to meet the corresponding challenges, if necessary, and what it expects of its staff and business partners. The staff and representatives concerned as well as the specialists and executive staff of an enterprise should be informed and be given necessary training in accordance with their tasks.

Guiding questions

- Does the enterprise have a statement of policy adopted by the management?
- Does the statement of policy refer to the standards listed in Chapter 02?
- Does the declaration address risks of the enterprise's business activities and relations?
- Does the declaration assign responsibilities within the enterprise clearly?
- Is the declaration of principles being communicated both internally and externally?

► RISK ANALYSIS: Identifying impact

A central goal of responsible supply and value chain management is to understand the impact of the enterprise's business activities on the people who manufacture, transport, sell, and consume its products and who are – due to existing business relations – directly linked to the business activities, the products or services of the enterprise. Identifying risks means in particular to get an overview of the enterprise's own procurement processes, the structure and players in the supply chain and the most important categories of persons including local residents who may be affected by the enterprise's business activities.

A heightened risk may arise especially from business relations that exist in countries where human rights are violated, workers' rights are not respected, corruption is widespread or many subcontractors are part of the supply chain.

An initial analysis of potential risk areas can be carried out on the basis of sectors, products or business locations. It is particularly informative when the relevant employees and works councils as well as local contact persons such as authorities, social partners, NGOs and stakeholders are involved.

Guiding questions

- Does the enterprise regularly identify the risks involved with its business activities, business relations, products and services?
- Are risks beyond the first level of the supply chain (e.g. subcontracting) also identified?
- Does the enterprise carry out an impact assessment regarding identified risks?
- Are the identified risks and their impact assessed and prioritised on an enterprise-specific basis?
- Are the affected stakeholders identified and involved in the risk assessment process?

► RISK MANAGEMENT: Defining and implementing measures

Wherever enterprises identify potential risks or problems in the risk analysis process they should take appropriate prevention measures and, where relevant, measures of redress as part of their risk management. The aim of these efforts is to address the identified adverse effects in such a way that the situation can be adequately improved.

The more complex corporate value chains are, the more necessary it is to have systematic management where internal responsibilities are properly assigned in order to adequately assess and address adverse effects of business activities. It is of particular importance for small and medium-sized enterprises to prioritise their activities because their resources are limited. It is important to start or build on existing processes where the risk of adverse effects is biggest. The identification of sectors with particular human rights challenges and the processing of relevant information on suppliers, subcontractors, service providers, customers and other relevant partners are essential steps in this context.

If it becomes clear, for example, that an important supplier does not comply with fundamental occupational safety and health provisions at its production site, training programmes could be a suitable solution. If extremely low wages are paid at a given production site, it may make sense to cooperate with other enterprises in order to jointly advocate for fair wages while at the same time maintaining competitiveness, while respecting legal provisions. It may be advisable to cooperate with fewer suppliers over an extended period of time in order to build up trust.

Guiding questions

- Does the enterprise integrate the results of the risk analysis into existing or future processes?
- Are the results of the risk analysis taken into account in corporate departments, in particular in the purchasing department?
- Are employees trained (e.g. those from the purchasing department) to integrate the results of the risk analysis into their work?
- Are corresponding expectations communicated to the suppliers and reviewed? And if necessary, is help offered?
- Does the enterprise try to cooperate with other enterprises, social partners, NGOs, state authorities and stakeholders regarding the management of the identified risks and potential adverse effects?



► EFFECTIVENESS TRACKING: Making change happen

Regular reviews are part of effective risk management. Some instruments can be used that are already applied in other contexts, such as audits and on-site inspections. Feedback or complaints from categories of persons concerned including anonymous reports may also bring interesting findings to light. Effectiveness checks can be successful if they are carried out systematically, regularly and on the basis of qualitative and quantitative indicators. Does the change in purchasing practice really minimise the previously identified risks? Have the most important suppliers taken the agreed code of conduct into account? Answering such questions can give insights as to whether local improvements are possible. If the effectiveness check comes to the result that previous measures have not been successful, adjustments should be made accordingly.

Guiding questions

- Does monitoring take place at regular intervals?
- Were the relevant stakeholders involved in the effectiveness check?
- Were relevant local stakeholders also involved?
- Will the effectiveness also be checked by independent third parties, if necessary?
- Does the enterprise adjust its processes if effectiveness is not achieved?

► COMMUNICATION: Internal and external

There are various internal and external groups of persons who are interested in the sustainability strategy of an enterprise: employees, social partners, investors, shareholders, civil society, consumers or customers and business partners. They are all increasingly asking how enterprises are addressing social, ecological and economic risks, what role human rights play in the supply chain or what the enterprise is doing to fight corruption. The statutory CSR reporting obligation which has been in force since 2017 for certain big, capital market-oriented enterprises is raising people's awareness of CSR. Transparent and comprehensible reporting about an enterprise's own sustainability strategy can increase credibility. Human rights, labour, social, environmental and anti-corruption standards have long been part of national and international standards on sustainability reporting, such as Germany's Sustainability Code and the Global Reporting Initiative. For most enterprises regular, standards-based reporting on their own sustainability strategy is a major challenge, but has nonetheless been practised by numerous big enterprises for many years. However, it can also be helpful for small and medium-sized enterprises to identify essential, strategically important topics, to set themselves goals and optimise internal processes. This allows enterprises to promote their sustainable development as a whole.

Guiding questions

- Does the enterprise collect information and data to enable it to document the implementation of social, ecological, human rights and anticorruption aspects?
- Has this been reported internally as well as externally?
- Is there a reporting obligation?
- Is the enterprise using guidance from internationally recognised reporting standards?
- Are the reports written in user-friendly language and published in the necessary languages?

► **GRIEVANCE MECHANISMS: Identifying risks early**

It is an advantage for enterprises to identify potential adverse effects of their own business activities at an early stage so that they may take preventative measures. This can be a particularly successful approach if the persons affected have the opportunity to notify the enterprise of grievances and misconduct. Establishing enterprise-based grievance mechanisms or, alternatively, participating in external grievance mechanisms, e.g. in the framework of sector initiatives, facilitates this.

Grievance mechanisms are effective if they are accessible, balanced and predictable and if persons using them are not sanctioned. To achieve this it may be useful to establish contact points that preserve anonymity. The stakeholder groups concerned should be informed about the existing grievance mechanisms and procedures for redress in a comprehensible way and, if necessary, in the relevant languages.

Guiding questions

- Does the enterprise have its own grievance mechanisms or does it participate in an external procedure?
- Are the relevant stakeholders aware of the grievance mechanisms, and are they accessible in the necessary languages?
- Are there any anonymous, secure hotlines for whistle-blowers?
- Do grievance mechanisms take due account of the need to ensure neutrality and anonymity?
- Are appropriate corrections made to existing management systems?

► **SUPPORT: Sector initiatives and guidance**

It can be generally worthwhile to cooperate with enterprises from the same sector that share similar risks – e.g. in the framework of the (German) Global Compact Network or in sector initiatives such as the Sustainability Initiative of the German Chemical Industry, the Partnership for Sustainable Textiles or the German Initiative on Sustainable Cocoa. There are also opportunities for action and support offered by trade unions and works councils, as set out e.g. in the “Global Framework Agreements”.

In order to implement the above-mentioned international standards and management systems described here, there are a number of practical guides and implementation tools that provide enterprises with the necessary know-how. Together with the members of the National CSR Forum, Germany’s Federal Government has drawn up an overview to this effect, which is regularly updated. It is available at:

<http://www.csr-in-deutschland.de/DE/Wirtschaft-Menschen-rechte/Unternehmerische-Sorgfaltspflicht/Umsetzungshilfen/umsetzungshilfen.html>

05

WORKING TOGETHER TO MAKE SUPPLY CHAINS SUSTAINABLE

It is not only the business world or the enterprises themselves that are responsible for making supply and value chains sustainable. This challenge is for society as a whole and concerns many players, including other participants and affected parties, such as governments, state authorities, associations, chambers of industry and commerce and chambers of crafts, trade unions and other civil society organisations.

The following passage will highlight ways in which social partners, associations, chambers of industry and commerce and chambers of crafts, civil society organisations and the Federal Government can contribute to supporting enterprises in fulfilling their responsibilities. This includes providing information and counselling, support for prevention measures and compliance with standards as well as participating in constructive solutions in cases of conflict. The more the respective forces are joined together and the more coordination there is among the various initiatives, the easier it will be to enforce human rights, labour, social, environmental and anti-corruption standards in global supply and value chains.

Role of the social partners, chambers and civil society

The organisations of the social partners, associations, chambers of industry and commerce and chambers of crafts and of civil society represented in the CSR forum want to contribute – to the extent that is appropriate and possible for them – to the promotion of corporate social responsibility in the supply and value chains by

- raising awareness and providing information to their own organisations, enterprises and the general public by making reference to this declaration;
- providing information on the standards set out in chapter 02, explaining their meaning and thus contributing to their dissemination;

- working together with the Federal Government to support targeted sector-specific approaches and, where approaches do not yet exist and where industries would like to initiate them, by participating in the respective dialogues in line with their capacity.

The social partners will use this declaration to promote the topic of sustainable supply and value chains in enterprises.

The chambers of industry and commerce and the chambers of crafts will offer more counselling, training and events to support enterprises in managing their supply and value chains responsibly and to initiate due diligence processes. German enterprises abroad will also receive information via the network of German Chambers of Commerce Abroad and in cooperation with the respective embassies. Together with the social partners and other associations, they will support sector-specific initiatives.

The civil society organisations represented in the CSR forum will actively contribute to illustrating the relevance of corporate social responsibility and of the sustainable management of supply and value chains. In this way they help raise awareness of policymakers, enterprises, consumers and citizens. In providing information they can help ensure that due diligence is taken seriously, by reporting risks, identifying problems and helping to remedy grievances. Wherever possible they will stand by the enterprises while remaining in critical dialogue with them and will, for instance, participate in the establishment of effective grievance mechanisms, or use their international connections to help to contact acutely or potentially affected groups of people.

Role of the Federal Government

The organisations represented in the National CSR Forum expect the Federal Government to

- (1) live up to its protective duties and engage in an appropriate manner in enforcing human rights and labour, social, environmental and anti-corruption standards world-wide;
- (2) offer support to enterprises so that they will set up their supply chains as responsibly and sustainably as possible;
- (3) support the other stakeholders by appropriate means and measures in putting their respective expertise to the best possible use in order to implement these common goals.

To this end the Federal Government should inter alia

- steadily bring together all the information from the various federal ministries on possible assistance (e.g. counselling in Germany and abroad, the Vision Zero Fund, sector-specific initiatives, guidelines, training offers, regional information events, best practices, etc.) and on the implementation of the National Action Plan on Business and Human Rights on the central online information platform www.csr-in-deutschland.de;
- promote sector-wide approaches and identify and systematise the most significant sector-specific risks in supply chains in the German economy. Based on this, the Federal Government together with enterprises, social partners, chambers and NGOs can develop sector-specific guides for action and put them to the test in pilot projects;
- contribute to the establishment of networks abroad in order to provide country-specific guidance and information to enterprises operating there. Such networks should be supported by the respective missions abroad. The information they provide should include the human rights situation,

corruption and local legislation, point out existing training programmes or refer enterprises to authorities or NGOs with the help of their contacts;

- promote the dissemination of and exchange of ideas on the practical application of the international standards set out in Chapter 02 at the national and international level. Within the EU it should work towards a coherent implementation of the National Action Plans on Business and Human Rights. Together with international organisations such as the UN, ILO and the OECD it should continue to promote sustainable supply chains in multilateral forums in order to bring about a harmonisation of the competitive conditions for enterprises around the world.

When all of society's stakeholders work together to set up supply and value chains responsibly, we can make a significant contribution to nationally and internationally sustainable economic, social and ecological development.

About the National CSR Forum of Germany's Federal Government

The National CSR Forum is a multi-stakeholder body which advises the Federal Government on corporate responsibility issues. It was launched by the Federal Ministry of Labour and Social Affairs in 2009. The CSR Forum brings together key players in the field from business, trade unions and civil society as well as participating Federal Ministries. It advises and supports Germany's Federal Government in the conception and implementation of its national CSR strategy including the implementation of the National Action Plan on Business and Human Rights and drafts recommendations for its further development. The players decide by consensus. Federal Government representatives do not have voting rights.

Participants of the Federal Government's National CSR Forum



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