



PRAXISTAGE FÜR MITTELSTÄNDISCHE UNTERNEHMEN

Lieferketten verantwortlich gestalten
Über Nachhaltigkeit berichten



unternehmen. verbinden. gestalten

econ sense

Forum Nachhaltige Entwicklung
der Deutschen Wirtschaft



Einkaufsverträge und Beschwerdemechanismen: Good practice und aktuelle Entwicklungen

Webinar für Teilnehmende der CSR-Praxistage
„Lieferketten verantwortlich gestalten – Über Nachhaltigkeit berichten“

7. Dezember 2018, 10:00-11:30 Uhr

[www.csr-praxistage.de](http://www csr-praxistage de)

Hinweis

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Für Aktualität, Vollständigkeit und Richtigkeit wird keine Gewähr übernommen.

Die Weitergabe dieser Materialien ist ohne schriftliche Erlaubnis nicht zulässig.

Agenda

- **CSR-Klauseln in Geschäftsverträgen zwischen Einkäufern und Lieferanten als Schlüssel zu unternehmerischer Verantwortung – Ergebnisse einer Studie bei 550 Unternehmen**

Tanja Reilly, Account Executive D-A-CH, EcoVadis

- **Implementierung von Nachhaltigkeitsklauseln in Einkaufsverträgen der BMW Group**
Christian Fischl, Nachhaltigkeit im Lieferantennetzwerk, BMW Group

- **Zuhören lohnt sich – Der Weg zu effektiven menschenrechtlichen Beschwerdemechanismen**
Larissa Dietrich, Senior Consultant, und Madeleine Koalick, Director of Consulting, twentyfifty

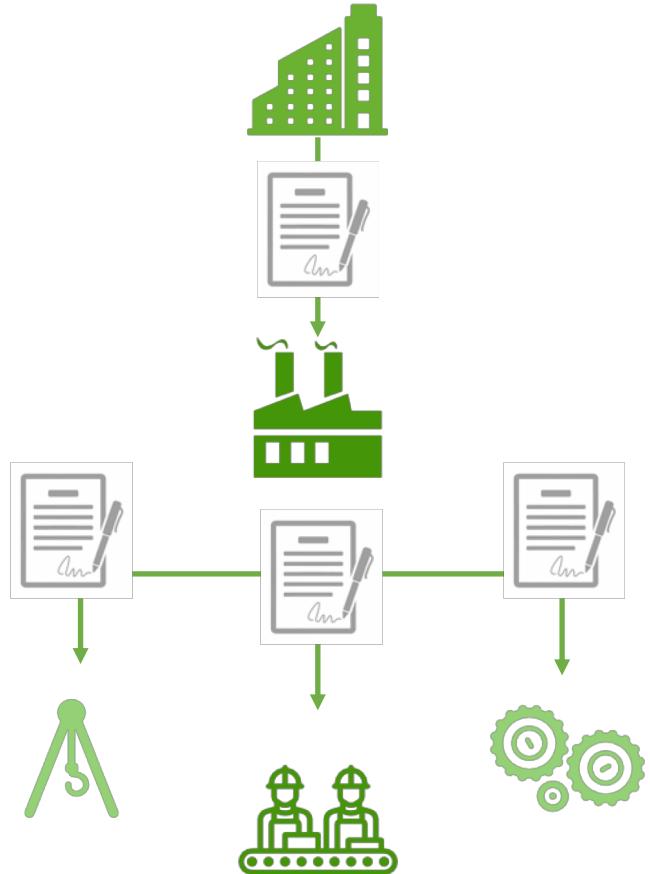


ecovadis

**CSR-Klauseln in Geschäftsverträgen zwischen
Einkäufern und Lieferanten als Schlüssel zu
unternehmerischer Verantwortung**

**Studienergebnisse aus einer Befragung von
über 550 Unternehmen**

Der Vertrag als grundlegendes Instrument der Sorgfaltspflicht



Die Sorgfaltspflicht im Bereich der Menschenrechte sollte so früh wie möglich bei der Entwicklung einer neuen Tätigkeit oder Beziehung berücksichtigt werden, da Menschenrechtsrisiken bereits in der Phase der Vertragsgestaltung oder anderer Vereinbarungen erhöht oder gemildert werden können[....].".

UN-Leitsätze zu Wirtschaft und Menschenrechten,
Kommentar zu Grundsatz 17

Ziele der Studie

EINKÄUFER

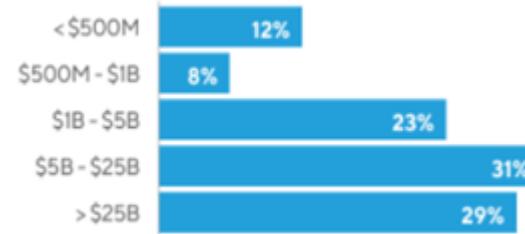
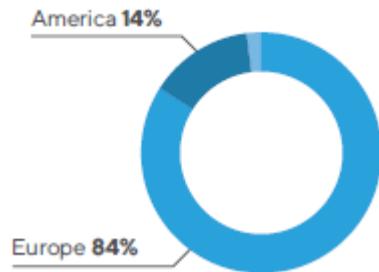
- Welche Praktiken gibt es derzeit in Bezug auf CSR-Klauseln?
- Was sind die größten Herausforderungen?
- Welche sind die besten Praktiken?

LIEFERANTEN

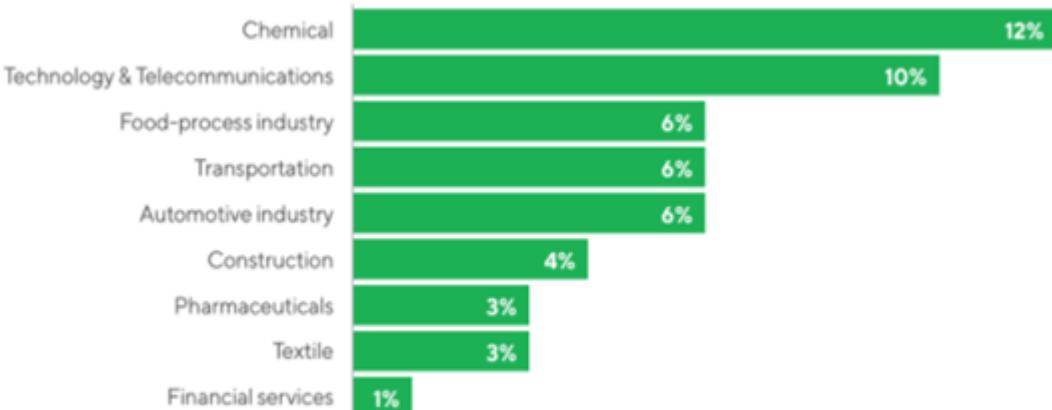
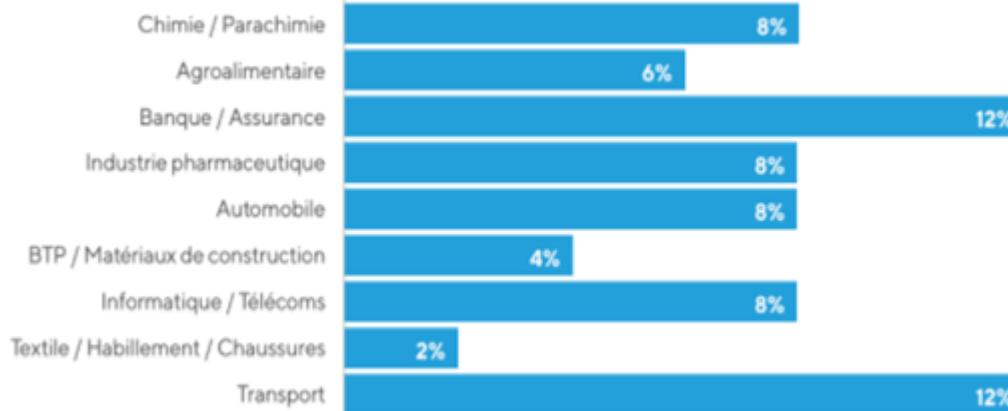
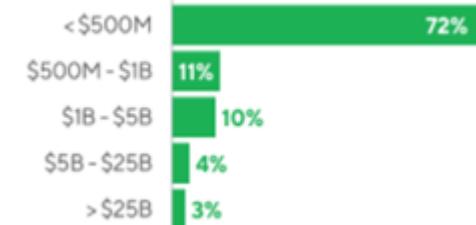
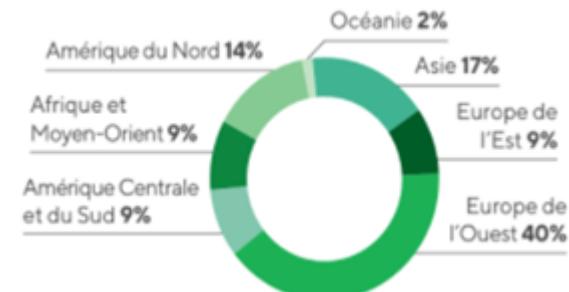
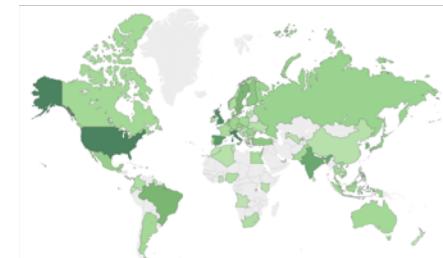
- Wie nehmen sie diese CSR-Klauseln wahr?
- Vor welchen Herausforderungen stehen sie in Bezug auf solche Klauseln?

Eine Umfrage für ZWEI Vertragsparteien: Einkäufer und Lieferanten

50 große
Einkaufs-
organisationen



519 Lieferanten
weltweit



Der Kontextualisierungsgrad der Inhalte

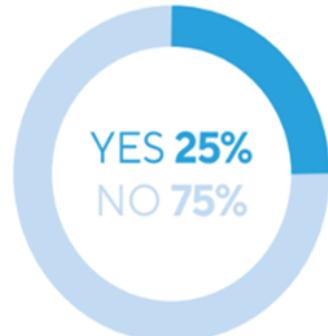
75% haben Standard CSR-Klauseln



18% von Lieferanten beschreiben ihre CSR-Verpflichtungen als "irrelevant".

BUYERS

Do you adapt your clause to your supplier?

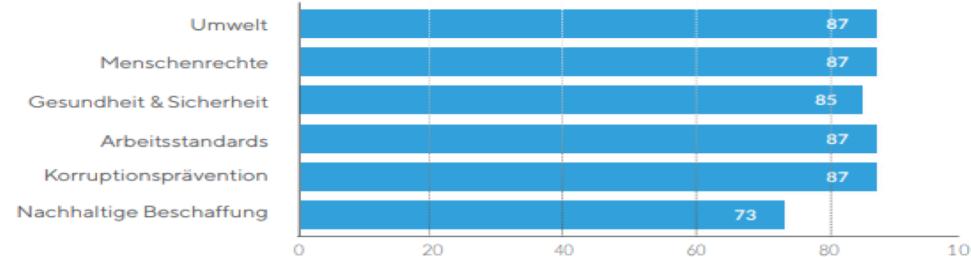


SUPPLIERS

How do you generally perceive the CSR requirements?



- 79% Angemessen
- 18% Irrelevant
- 3% Unerreichbar



Haben Ihre vertraglichen Verpflichtungen dafür gesorgt, dass Sie Handlungsweisen ändern?

Ja, sie haben unser Bewusstsein für umweltbezogene, soziale und ethische Themen erhöht.

Ja, wir haben konkrete Handlungsweisen implementiert.

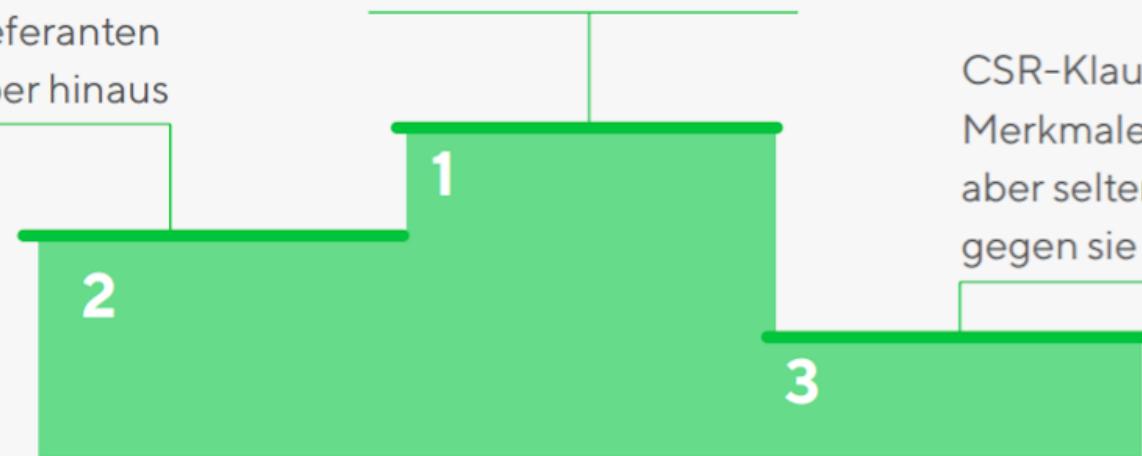
Nein



Vielzahl von CSR-Klauseln

38% der Klauseln erstrecken sich auf Tier-2-Lieferanten und darüber hinaus

CSR-Klauseln sollten die Notwendigkeit regelmäßiger Audits und Bewertungen festlegen

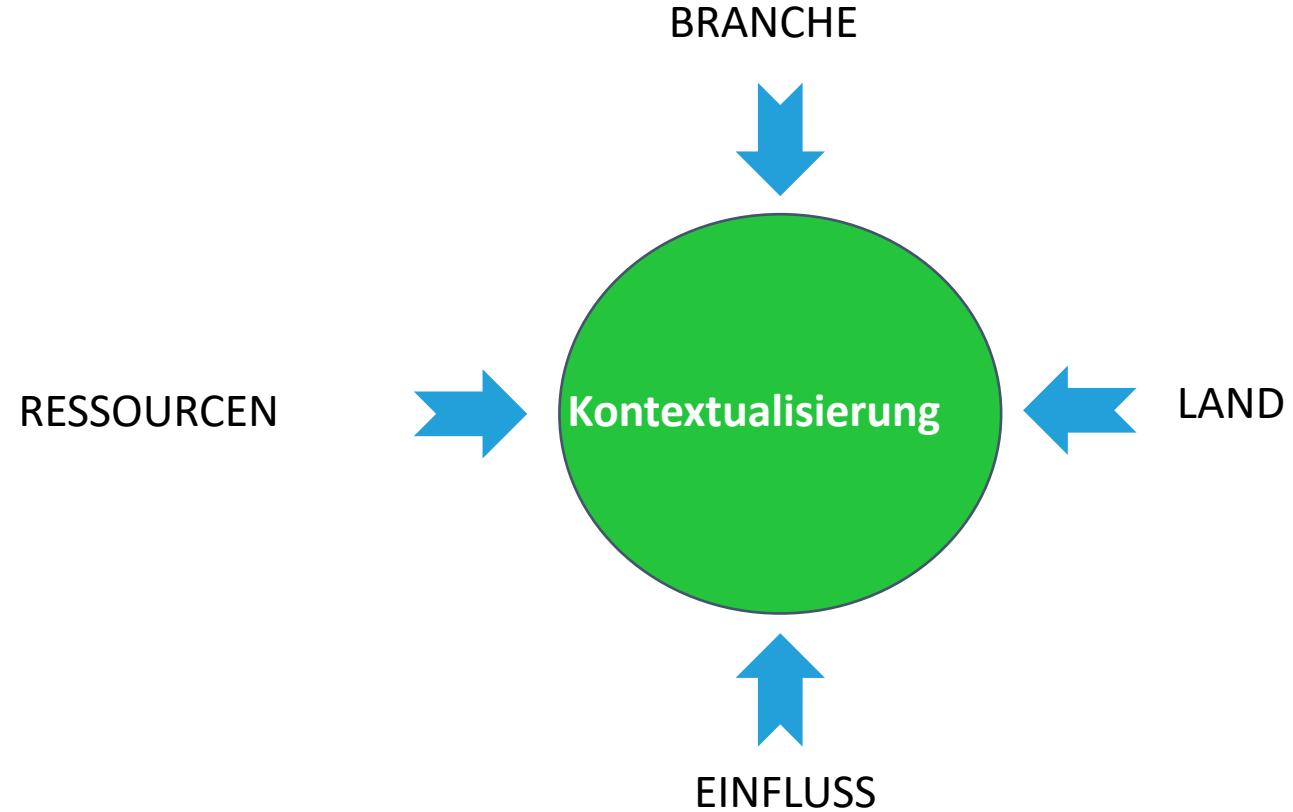


CSR-Klauseln haben typischerweise die Merkmale, dass sie durchsetzbar sind, aber selten die Folgen von Verstöße gegen sie anführen

Die meisten CSR_Klauseln sind nicht ausreichend detailliert, wobei wobei 75% auf allgemeine Vorschriften verweisen.



Anpassung der CSR-Klausel an den Kontext des Lieferanten



Sicherstellen, dass die CSR-Klauseln mit den anderen Vertragsklauseln übereinstimmen.



THANK YOU

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[Link zur gesamten Studie](#)



INTEGRATION OF SUSTAINABILITY ASPECTS IN THE BMW GROUP PURCHASING PROCESS.

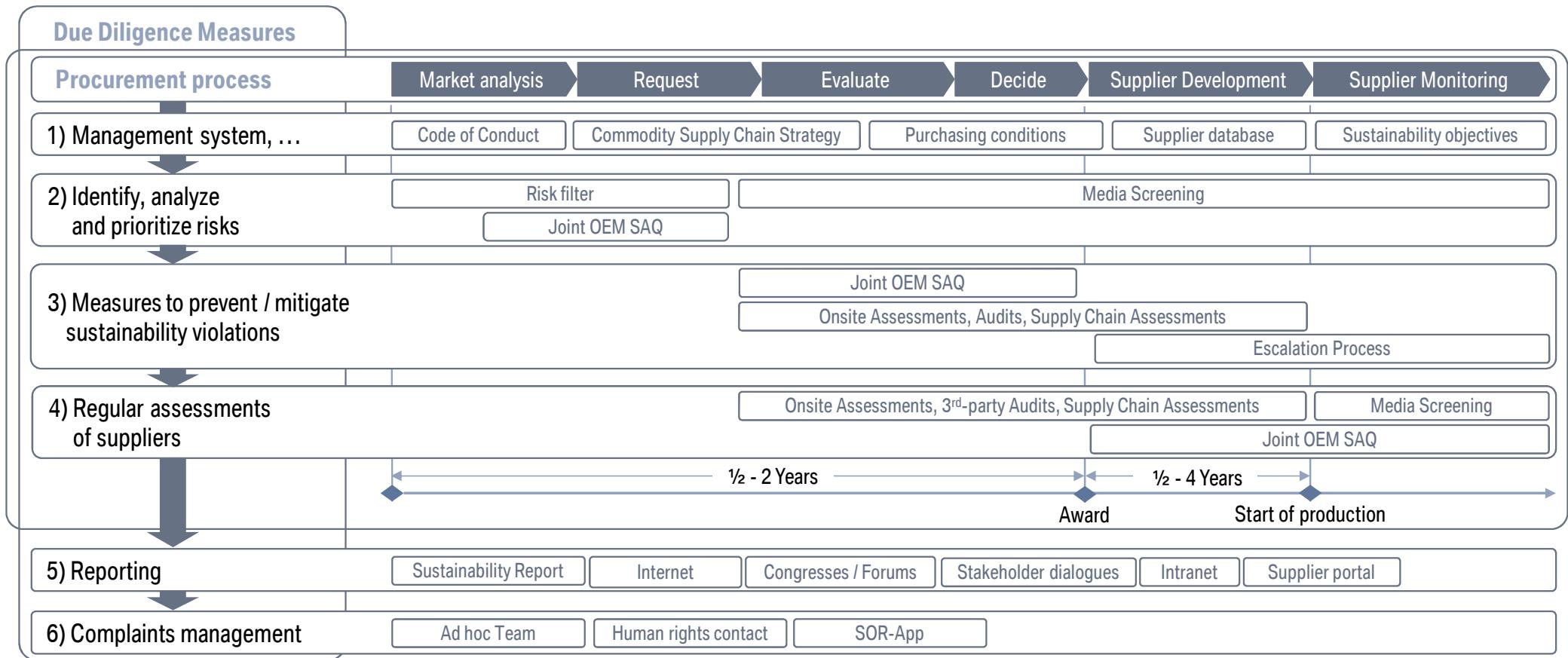
WEBINAR.

MZ-11 | December 7, 2018.
Fischl



SUSTAINABLE SUPPLY CHAIN MANAGEMENT AT BMW GROUP.

OVERVIEW DUE DILIGENCE APPROACH.



OUR 'CODE OF CONDUCT' SUMMARIZES BRIEFLY THE CORE PRINCIPLES WHICH ARE FURTHER SPECIFIED IN THE 'INTERNATIONAL PURCHASING CONDITIONS'.

Overview BMW Group supplier sustainability policy:

1. Resource management and environmental protection
2. Social responsibility
 - UNGC
 - Declaration on Fundamental Principles and Rights at Work by ILO
 - UN Guiding Principles on Business and Human Rights
3. Lawful and Responsible Conduct
4. Preventing the flow of funds to armed groups and conflicts
 - OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas
5. Implementation of these standards in the supply chain
6. Ensuring compliance, consequences of misconduct and grievance mechanism +49 89 382-71230; humanrights.sscm@bmwgroup.com

The screenshot shows the first two sections of the BMW Group supplier sustainability policy. Section 1 covers Resource management and environmental protection, mentioning the BMW Group's expectations for suppliers to implement a consistent environmental protection management programme, comply with environmental standards, and minimise resource consumption and environmental impact. It also notes specific requirements for the purchase of production materials and automotive components. Section 2 covers Social responsibility, emphasizing the company's social responsibility towards employees and society, and the importance of respecting human rights, including the prohibition of child and forced labour, discrimination, and freedom of association. Both sections reference the UN Guiding Principles on Business and Human Rights.

BMW GROUP INTERNATIONAL PURCHASING CONDITIONS DIRECT MATERIAL. EXTRACT OF ENVIRONMENTAL SUSTAINABILITY.

20. Environment

20.1 While performing under the Supply Contract Seller shall use the necessary resources (in particular materials, energy and water) efficiently and shall reduce the environmental impact (in particular with respect to waste, wastewater, air pollution and noise) to a minimum. This also applies to logistics and transportation expenses.

For the quantitative assessment of Seller's resource efficiency Seller shall upon Buyer's request, provide the following information relating to the total annual scope of orders placed by and supplied to Buyer and its Affiliated Companies:

- Total energy consumption in MWh;
- CO₂ emissions from energy generated in-house and externally in metric tons;
- Total water consumption in m³;
- Process wastewater in m³;
- Waste for disposal in metric tons;
- Waste for recycling in metric tons;
- VOC emissions (volatile organic compound) in metric tons.

20.2 Additionally, upon Buyer's request Seller shall provide data for a life cycle assessment relating to Goods or parts thereof (including data with regard to the materials input) according to the data collection format for life cycle assessment of the VDA.

20.3 At the latest by start of production (SOP), Seller shall establish and maintain a certified environmental management system in accordance with the requirements of "ISO 14001" or a recognized and certified environmental management system derived therefrom, and provide evidence to Buyer by submission of a corresponding certificate. Buyer and Seller may agree in writing to deviations from the requirements of Sentence 1.

20.4 Seller shall comply with the requirements of the BMW Group Standard GS 93024 "Recycling-optimized vehicle design" during the entire life cycle of the Goods. Upon Buyer's request a recycling concept has to be provided.

20.5 Goods made of polymer materials or metals, or Goods with metal coatings, shall bear identification markings in accordance with the relevant standards (VDA Material Data Sheet 260 "Vehicle components - Marking of material" and/or BMW Group Standards GS 91001 "Marking of parts with trademark and part identification data" and GS 91003 "Marking of parts - Marking of materials").

20.6 Polymer materials contained in Goods shall throughout the entire life cycle of the Goods, comply with the BMW requirements according to specification (particularly, project specification) derived

from the applicable statutory targets and standards for hydrocarbon emissions of vehicles. The production processes for Goods shall be adapted to comply with such requirements.

20.7 Seller shall comply with the requirements stated in BMW Group Standard GS 93008 (1 to 4) "Substances of concern" throughout the entire life cycle of the Goods.

- a) Seller is responsible for registration and where necessary, authorization or notification of chemical substances contained in Goods in accordance with the statutory requirements that apply to the concerned market (e.g. according to Regulation (EC) No. 1907/2006 (REACH), EU). In the event that a chemical substance being imported falls within the area of applicability of a relevant law, Seller assumes responsibility for all obligations named above and all associated expenses.
- b) For the respective Goods, Seller shall provide the required data as according to BMW Group Standard GS 93008-1 "Substances of concern – Materials and components, Prohibited and declarable substances" for the constituent substances/materials in the International Material Data System IMDS (<http://www.mdsystem.com>). The data provision forms an integral part of the scope of supply and Seller shall comply therewith. This applies for e.g. to serial development, type approval and initial sampling inspection for PPA.
- c) In the event that Goods are chemical substances, mixtures or materials, Seller shall provide Buyer with "safety data sheets" for such Goods.
- d) For Goods which are labeled as dangerous goods for transport according to international dangerous goods regulation (e.g. ADR/RID, IMDG, ICAO/IATA), e.g. airbags, Seller shall provide Buyer with safety information, for example in accordance with VDA recommendation 11-007.
- e) If the Goods are raw materials then Seller shall ensure according to the state of the art and in compliance with the applicable thresholds, that such are free from radioactivity or radioactive contamination and ionizing radiation. For this purpose, upon request by Buyer, Seller shall conduct corresponding measurements and disclose their results.

20.8 Seller shall ensure that all of its subcontractors are contractually bound to comply with the terms of this Clause 20.

BMW GROUP INTERNATIONAL PURCHASING CONDITIONS DIRECT MATERIAL. EXTRACT OF SOCIAL SUSTAINABILITY AND SUSTAINABILITY REPORT.

21. Social Responsibility

21.1 For Buyer it is of paramount importance that corporate activities take account of the social responsibility to employees and to society as a whole. This applies both to Buyer itself and to its suppliers. Buyer and Seller acknowledge their compliance with the adopted principles and rights set by the International Labour Organization (ILO) in its "Declaration on fundamental principles and rights at work" (Geneva 06/98), the Directives of the UN Initiative Global Compact (Davos, 01/99) and the UN Guiding Principles on Business and Human Rights (2011). The following principles are of particular importance:

- Preservation of human rights,
- Elimination of forced, compulsory, and child labor,
- Positive and negative freedom of association,
- Elimination of discrimination on the basis of gender, race, origin, religion or belief, membership of a trade union or the like, handicap, age, sexual identity, nationality, marital status, political affiliation, veteran status, or other characteristics protected by local laws.
- Compliance with occupational safety and health requirements,
- Protection from individual arbitrary personnel measures,
- Maintenance of employability by training and continuing education,
- Maintenance of adequate social working conditions,
- Provision of conditions that enable employees to enjoy a reasonable standard of living,
- Remuneration, which permits employees to secure their livelihoods including their social and cultural participation,
- Implementation of equal opportunities and family-friendly policies,
- The protection of indigenous rights,
- Ban on bribery and extortion,
- Compliance with current laws and regulations.

In view thereof, Seller shall take adequate measures in order to prevent corruption offenses within its company.

It shall be Seller's responsibility to cause all and any of its subcontractors to act in accordance with the regulations of this Clause 21.

21.2 Seller shall at the latest by start of production (SOP), implement, operate and prove to Buyer by presentation of a corresponding certificate, a certified occupational health and safety management system in accordance with "OHSAS 18001" or "ISO 45001" or a recognized and certified occupational health and safety management system derived therefrom. Buyer and Seller may agree in writing on deviations from the requirements of Sentence 1.

22. General Provisions

22.8 Upon written request by BMW, Seller shall share information on non-financial indicators such as environment, employee, and social concerns, attention to human rights and combating corruption and bribery as well as the underlying strategies and processes according to recognized standards, e.g. in the form of a sustainability report in accordance with GRI or DNK compliance declaration. If due to statutory requirement Seller is obligated to inform on its non-financial performance indicators, then the forwarding of such corresponding report will suffice.

SINCE THE END OF 2014, WE ARE USING THE OEM-WIDE SELF-ASSESSMENT QUESTIONNAIRE FOR SUPPLIERS BY CSR EUROPE/DRIVE SUSTAINABILITY.

Summary of 23 groups of questions:

- **Senior management responsibility** for sustainability topics:
 - Social sustainability,
 - Environmental sustainability and
 - Compliance.
- **(Certified) management systems** incl. targets, program, KPIs:
 - Environmental management (ISO 14001),
 - Health and Safety management (OHSAS 18001, ISO 45001),
 - Energy management (ISO 50001) and
 - Compliance.
- Internal **communication** via sustainability policies and trainings.
- **Sub supplier management** to forward the requirements within the n-tier supply chain.
- External **non-financial reporting**, e.g. CSR / Sustainability Report.
- Others (IMDS, CDP, Conflict Minerals).

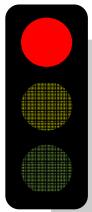
DS members using the OEM SAQ:



Service and platform provider:



THE BMW-SPECIFIC EVALUATION OF THE SELF-ASSESSMENT QUESTIONNAIRE IS FULLY INTEGRATED IN OUR PURCHASING PROCESS.



- Non-compliance of supplier regarding BMW-specific requirements
 - No corrective action plan incl. due date (before start of production (SOP)) agreed with buyer
- **Nomination not allowed**



- Non-compliance of supplier regarding BMW-specific requirements
 - Corrective action plan incl. due date (before SOP) agreed with buyer in written form
- **Nomination allowed with restriction**



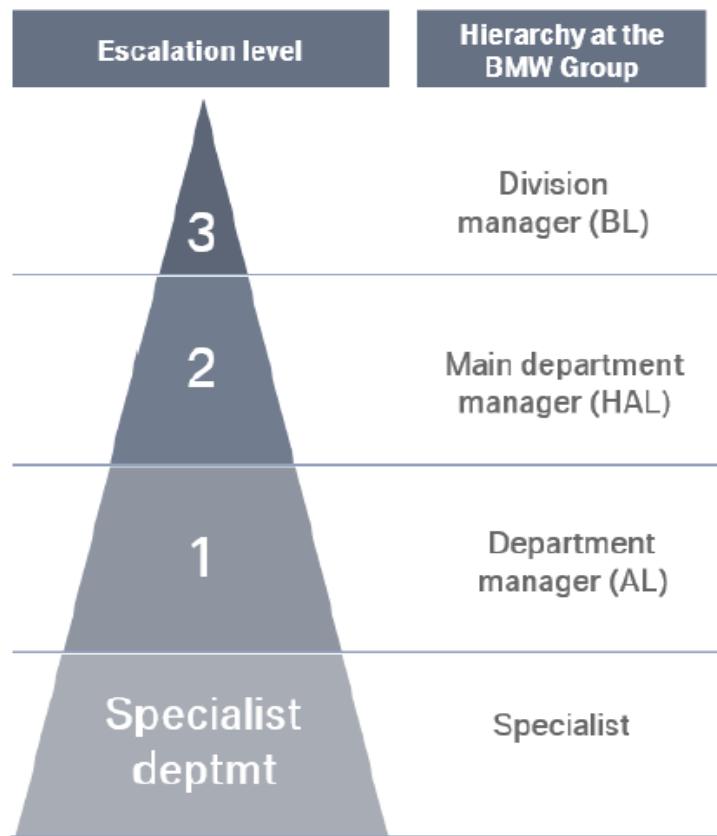
Date before SOP



- Compliance of supplier regarding BMW-specific requirements
 - No further need for corrective actions
- **Nomination allowed without any restriction**

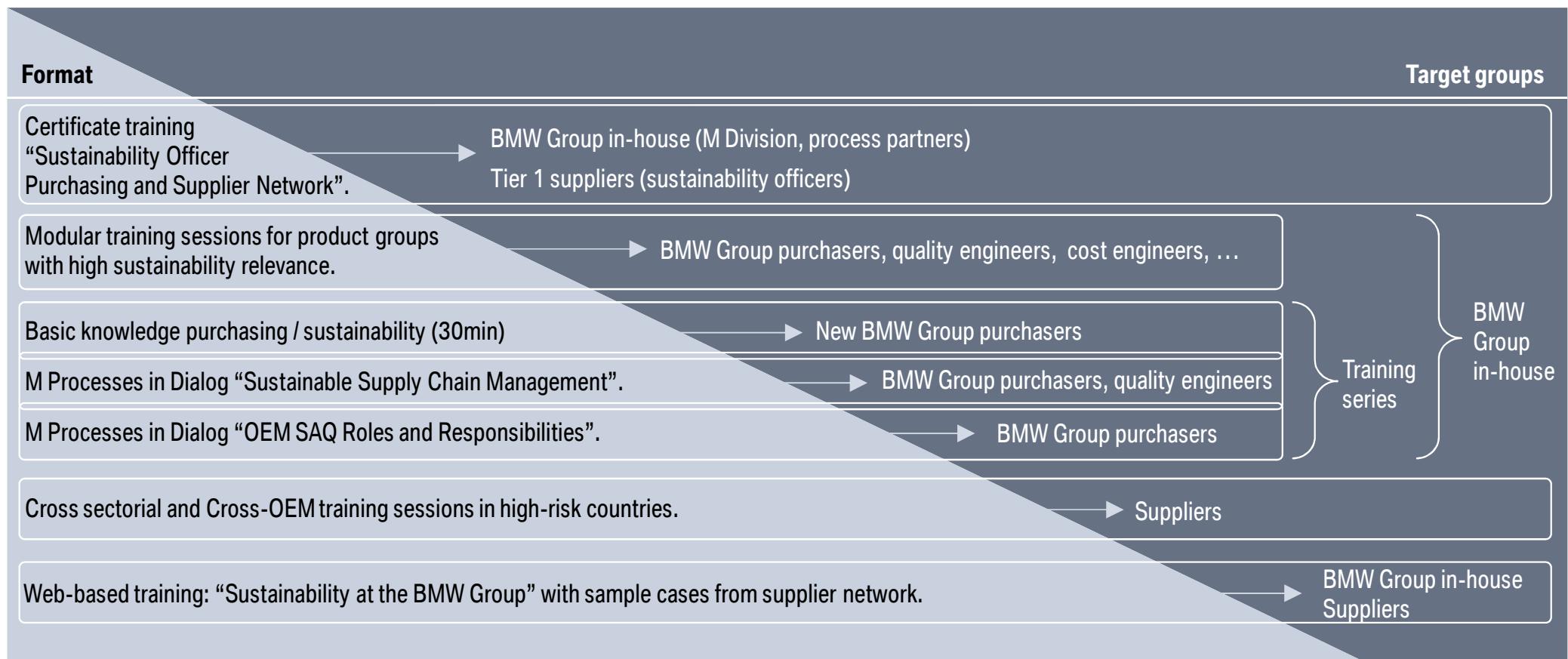


SUSTAINABILITY CRITERIA ARE FULLY INTEGRATED INTO THE BMW GROUP ESCALATION PROCESS.



- „New Business Hold“: site will be excluded from future nominations
- „New Business Warning“: new tenders and nominations only with restriction
- Escalation meeting with management of the supplier (department manager)
- Escalation meeting with the supplier (department level)

WITH OUR CAPACITY BUILDING PROGRAM WE AIM TO CREATE AWARENESS WITHIN OUR ORGANIZATION AS WELL AS FOSTER SUPPLIER DEVELOPMENT.



BACKUP

MORE INFORMATION AVAILABLE ON BMW GROUP WEBSITE & PARTNER PORTAL. LINKS.

- **BMW Group Supplier Sustainability Policy:**

https://www.bmwgroup.com/content/dam/bmw-group-websites/bmwgroup_com/responsibility/downloads/en/2017/BMW%20GROUP%20Supplier%20Sustainability%20Policy.pdf

- **BMW Group Reference Document Sustainability:**

https://www.bmwgroup.com/content/dam/bmw-group-websites/bmwgroup_com/responsibility/downloads/en/2018/BMW_Group_Referencedocument_Sustainability.pdf

- **BMW Group International Terms and Conditions for the Purchase of Production Materials and Automotive Components:**

<https://b2b.bmw.com/en/web/b2b/einkauf-direktes-material>

- **BMW Group General Terms and Conditions for Indirect Purchasing:**

<https://b2b.bmw.com/en/web/b2b/einkauf-indirektes-material>

YOU NEED HELP? YOUR CONTACT AT BMW GROUP AND NQC.

Questions regarding the **BMW-specific evaluation** of individual requirements in terms of the nomination process can be addressed to your BMW Group buyer or the Sustainable Supply Chain Management (SSCM) Team.

- Help and support for suppliers in the web:
please refer to links on the previous slide
- E-mail:
sscm@bmw.de or
christian.fischl@bmw.de

For technical questions regarding the SAQ process and the NQC platform as well as questions regarding the content, e.g. definition of requirements please contact our service provider NQC Ltd. directly.

- Help and support for suppliers in the web:
<https://supplierassurance.com/help/auto/suppliers>
- E-mail:
auto.support@nqc.com
- Phone:
+44 (0) 845 299 2996 (multi-lingual)



Aufbau effektiver menschenrechtlicher Beschwerdemechanismen

Econsense

7 Dec 2018



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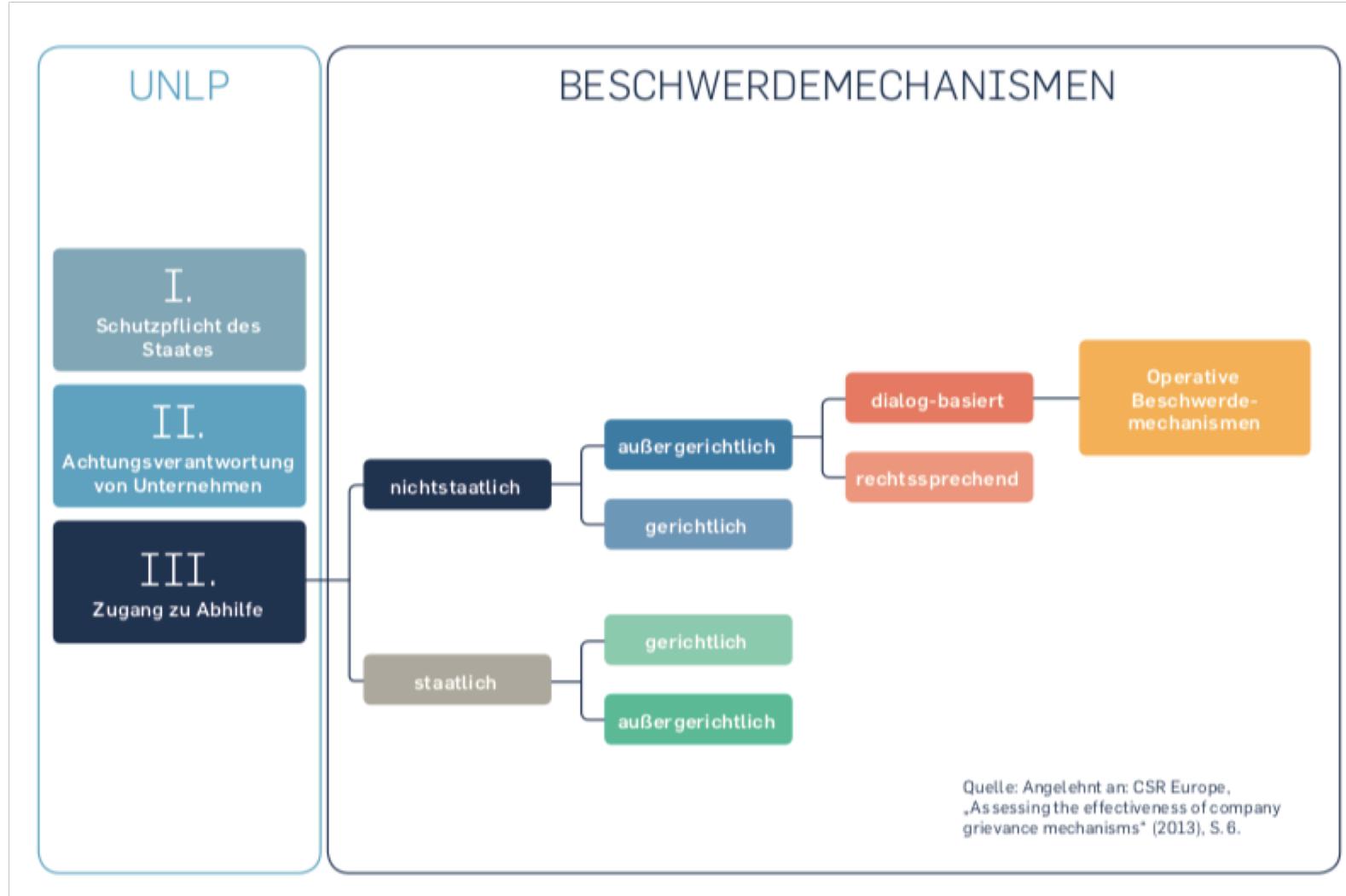
Vorstellung twentyfifty



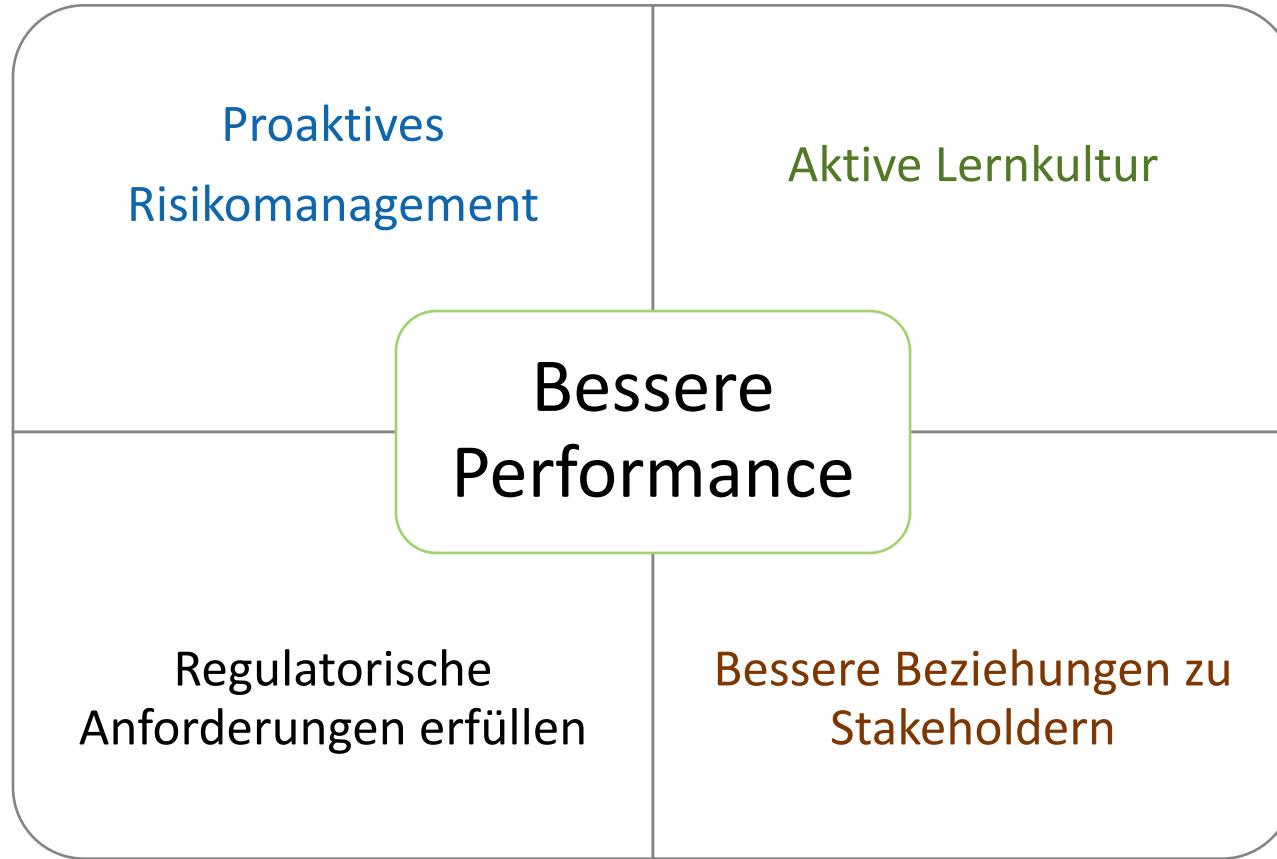
- Wir verstehen große Unternehmen und wie man Veränderungen bei ihnen und in ihrem Umfeld voranbringt
- Multidisziplinäre Projektteams mit Expertise im Change Management, Stakeholder Engagement und Menschenrechten
- Mehr als 14 Jahre Erfahrung
- Wir gehen selbst mit gutem Beispiel voran



Was sind menschenrechtliche Beschwerdemechanismen?



Warum lohnen sie sich?



Welche Schritte sollte der Unternehmer gehen?

Mapping des vorhandenen Ökosystems

1. Welche **Verfahren/Wege** gibt es derzeit für potentiell Betroffene in Ihrer Lieferkette Beschwerden zu äußern?
2. Welche **Themen, potentielle Zielgruppen** und/oder **Regionen** werden über diese Mechanismen abgedeckt?
3. Was wissen Sie über die **Effektivität** dieser Mechanismen?



Was ist mit effektiven Beschwerdemechanismen gemeint?



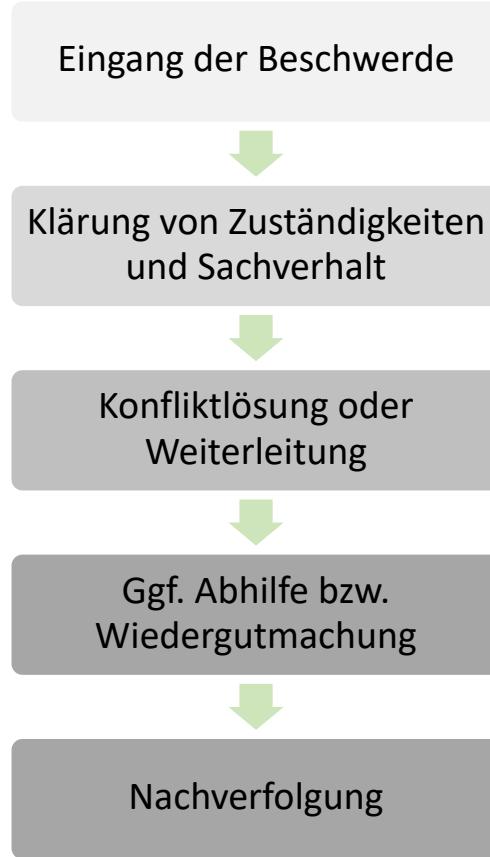
- ✓ Legitim
- ✓ Zugänglich
- ✓ Berechenbar
- ✓ Ausgewogen
- ✓ Transparent
- ✓ Rechte-kompatibel
- ✓ Dialog-basiert
- ✓ Kontinuierliches Lernen

Effektivität von Mechanismen prüfen

Effektivitätskriterien	Prozessanforderungen
LEGITIM	<ol style="list-style-type: none">1. Wurde ein klarer Prozess aufgesetzt, der den Umgang mit Beschwerden beschreibt?2. Wurden klare Verantwortlichkeiten festgelegt und die Mitarbeiter*innen, die für die Bearbeitung der eingehenden Beschwerden zuständig sind, angemessen geschult?3. Gibt es ein klares Bekenntnis, dass die Personen, die eine Beschwerde einreichen, dafür nicht benachteiligt oder bestraft werden und wird dessen Einhaltung überwacht?4. Gibt es einen Mechanismus zum Schutz persönlicher Daten im Beschwerdeprozess?
ZUGÄNGLICH	<ol style="list-style-type: none">5. Kennen potenzielle Nutzer*innen den Prozess und sind in der Lage ihn zu benutzen?
BERECHENBAR	<ol style="list-style-type: none">6. Wurden der Beschwerdeprozess, die Zeitschienen für den Beschwerdeprozess und mögliche Lösungsansätze vorab entwickelt und an die potenziellen Nutzer*innen kommuniziert?

Weitere Informationen: S. 34, DGCN Leitfaden

Gestaltung von Beschwerdemechanismen



Herausforderungen und Erfolgsindikatoren

Herausforderungen

- Systemische Lernen aus verschiedenen Quellen
- Lokale Mechanismen stärken – z.B. lokale Gewerkschaften
- Angemessene Abhilfe definieren und leisten
- Nachverfolgung und Wirkungsmessung
- Kooperation in der Lieferkette

Erfolgsindikatoren

- Potenziell Betroffene kennen mögliche Beschwerdewege & vertrauen ihnen
- Die Anzahl von Beschwerden zu einem bestimmten Thema geht zurück
- Angemessene Dauer der Beschwerdewege
- Betroffene Personen sind zufrieden mit dem Ausgang der Beschwerde
- Beschwerden helfen dabei, systemische Herausforderungen aufzudecken

Praxisbeispiele



[Quelle:](#) Hermes Code of Conduct

A screenshot of the OSRAM Tell OSRAM notification system. The page has a large orange "OSRAM" logo at the top left. At the top right, there is a language selection dropdown set to "English" and an "OK" button. A red-bordered box contains the following text:

"Tell OSRAM" is the notification system for Compliance, Data Privacy & Human Rights violations

OSRAM expects its employees to act responsibly and with personal integrity as well as to incorporate our ethical values in their daily business. Should you become aware of any unethical or illegal business behavior in the field of Compliance (in particular of anti-corruption, antitrust laws or money laundering), in the field of Data Privacy or in the field of Human Rights please use "Tell OSRAM" to securely and confidentially report any potential violation or concern. The notification system is applicable to all affiliated companies of the OSRAM group including OSRAM Continental. Please help OSRAM to comply with all applicable laws and regulations.



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Über Nachhaltigkeit berichten



unternehmen. verbinden. gestalten

econ sense

Forum Nachhaltige Entwicklung
der Deutschen Wirtschaft



Einkaufsverträge und Beschwerdemechanismen: Good practice und aktuelle Entwicklungen

Webinar für Teilnehmende der CSR-Praxistage
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[www.csr-praxistage.de](http://www csr-praxistage de)