**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 2020.

Numbering, questions and possible answers correspond to those in the online questionnaire. The link to the online questionnaire is 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).

Changes to the questionnaire version of 2019 are marked by a grey highlight. The changes were adopted by the inter-ministerial committee on Business and Human Rights in February 2020.

The German version of the questionnaire is also published in appendix 5 of the “Zwischenbericht 2018” (document only available in German, summary available in English) and contains a comparison per question regarding the wording of the NAP and an explanation of the elements respectively wording of the UN Guiding. Principles.

| 1. Preliminary questions
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| Number | 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]?*Non-profit companies are not subject to monitoring. The responses from these companies will therefore not be evaluated.* | 1. Yes
2. No
 |
| 0.3 | Is your company in possession of majority-owned affiliated companies according to § 271 (2) HGB [German Commercial Code]? | 1. No
2. Yes, in Germany
3. Yes, in other European countries
4. Yes, in another country outside Europe
 |
| 0.4 | Is your company part of a group? | 1. Yes, part of [Free text]
2. No

*(If answer ii. is chosen, question 0.6 will be omitted)* |
| 0.5 | How many employees does your company employ?*If the company has affiliated companies that are majority-owned: please state the number of employees of the group as a whole (not the number for the parent company).* | 1. Up to 500
2. 501-999
3. 1,000-1,999
4. 2,000-4,999
5. More than 5.000
 |
| 0.6 | How many employees does the group, which your company is part of, employ?*Please state the number of employees of the group as a whole (not the number for the parent company).* | 1. Up to 500
2. 501-999
3. 1,000-1,999
4. 2,000-4,999
5. More than 5000
 |
| 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.*If the company belongs to more than three sectors, choose the three sectors that reflect the Company’s most important fields of business or use the category “Other.”* | 1. Automotive
2. Construction
3. Consulting, auditing and legal
4. Mining and quarrying, oil and gas
5. Education
6. Chemistry
7. Electronics
8. Energy supply
9. Waste disposal
10. Financial services
11. Hospitality and accommodation
12. Health care and nursing
13. Gambling
14. Rubber and plastic goods
15. Wood, paper and forestry
16. Real estate
17. Mechanical engineering
18. Metal production and processing
19. Food, beverages, tobacco and agriculture
20. Personnel, cleaning and security services
21. Pharmacy and biotechnology
22. Travel, leisure and entertainment
23. Security and defense
24. Social services (excluding nursing homes)
25. Telecommunications, software and digital
26. Textiles and leather
27. Transport and logistics
28. Water supply
29. Advertising & marketing
30. Other [Free text]
 |
| 0.9 | In which areas of value creation is your company active in the selected industries? | 1. Raw material extraction
2. Manufacture of components/intermediate products
3. Production of end products
4. Sales & distribution
5. Waste treatment/recycling
6. Services and support
7. Lending/Financing/Insurance
 |
| 0.10 | Would you like to use the option of copying over answers for the following questions?*You can use this option if more than three companies from your group have been included in this year’s sample and their responses for the core elements 1–5 are identical.* | 1. Yes
2. No

*(If the answer is ii., question 0.11 does not apply)* |
| 0.11 | For which company in your group which is also a part of this year’s sample would you like to use the option of copying over answers? | I hereby confirm that all responses in the core elements 1–5 can be copied over for the following companies: [Free text] |

| 1. Policy Statement
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| Number | Question | Answers |
| 1.1.1 | Does your company have a policy statement on human rights? | 1. Yes, in a single/independent declaration
2. Yes, integrated into the company’s code of conduct/ethics
3. Yes, integrated into other instruments [Free text]
4. No [Comply-or-explain]

*(If the answer to this question is iv., questions 1.2.1 to 1.4.1 will be omitted)* |
| 1.2.1 | Is the policy statement available to the public? | 1. Yes, it is available via the following link [Free text]
2. No [Comply-or-explain]
 |
| 1.2.2 | To which relevant stakeholder groups or potential stakeholders is the policy statement communicated? | 1. Employees in own company
2. Employees in affiliated companies
3. Direct suppliers
4. Indirect suppliers
5. Business partners/customers (B2B)
6. End customers (B2C)
7. Other stakeholders (e.g., local residents) [Free text]
8. None [Comply-or-explain]
 |
| 1.3.1 | Which international human rights reference instruments are explicitly referred to in the statement of policy?  | 1. Universal Declaration of Human Rights
2. United Nations Covenants on Human Rights
3. Core labor standards of the International Labor Organization (ILO)
4. OECD Guidelines for Multinational Enterprises
5. Guiding Principles for Business and Human Rights of the United Nations (UN)
6. Other [Free text]
7. None [Comply-or-explain]
 |
| 1.4.1 | Has the policy statement been passed by the company management? | 1. Yes
2. No [Comply-or-explain]
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| 1. Procedures for identifying actual and potential adverse human rights impacts (risk analysis)
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| Number | Question | Answers  |
| 2.1.1 | Does your company systematically analyze potentially negative impacts of its operations on human rights (by setting up a relevant procedure, hereinafter referred to as risk analysis)? | 1. Yes
2. No [Comply-or-explain]

*(If the answer to this question is ii., questions 2.2.1 to 2.6.1 will be omitted)* |
| 2.2.1 | Which stages of the value chain do you analyze with regards to human rights risks? | 1. For your own operations or locations
2. For majority-owned affiliated companies (as defined in § 271 HGB) in Germany
3. For majority-owned affiliated companies (as defined in § 271 HGB) in other countries
4. For the direct supply chain (direct contractual relationship)
5. For the indirect supply chain (indirect business relationship)
6. For own products, services or projects
7. For investment activities
8. For no stage [Comply-or-explain]

*(The preceding questions 0.3 and 0.4 are used as filters so that response options ii. and iii. are only shown to companies with affiliated companies.)* |
| 2.2.2 | Which potentially affected groups are considered in the analysis process? | 1. Employees in own company
2. Employees in affiliated companies
3. Employees in the direct supply chain
4. Employees in the indirect supply chain
5. Business partners/customers (B2B)
6. End customers (B2C)
7. Other stakeholders (e.g., local residents) [Free text]
8. None [Comply-or-explain]
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| 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 Answer | 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? |
| i. For your own operations or locations | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| ii. For majority-owned affiliated companies (as defined in § 271 HGB) in Germany | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| iii. For majority-owned affiliated companies (as defined in § 271 HGB) in other countries | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| iv. For the direct supply chain (direct contractual relationship) | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| v. For the indirect supply chain (indirect business relationship) | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| vi. For own products, services or projects | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| vii. For investment activities | (X) | 1. Yes
2. No
 | *See below* | *See below* |
| viii. None | *If this answer is given, questions 2.3.2 to 2.3.4 will be omitted* |  |  |  |
| Possible answers to 2.3.3Human rights issues | Possible answers to 2.3.4Potentially affected groups |
| 1. Modern slavery
2. Child labor and youth employment
3. Health and safety at work
4. Freedom of association
5. Discrimination
6. Conflicts and security
7. Corruption and bribery
8. Employment and working conditions
9. Land use and property rights
10. Education
11. Environmental protection and health
12. Data protection and privacy
13. Consumer protection and product responsibility
14. Other [Free text]
 | 1. Employees in the company
2. Employees in affiliated companies
3. Employees in the direct supply chain
4. Employees in the indirect supply chain
5. Business partners/customers (B2B)
6. End customers (B2C)
7. Other stakeholders (e.g., local residents)
8. Other [Free text]
 |

| 1. Procedures for identifying actual and potential adverse human rights impacts (risk analysis)
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| Number | Question  | Answers |
| 2.4.1 | Do you prioritize the risks identified in the risk analysis? *Choose, if applicable, at least two answers.* | 1. Yes, based on the number potential affected.
2. Yes, due to the severity of the potential impact.
3. Yes, due to the irreversibility of the potential impact
4. Yes, due to the potential impact on the company's reputation [Comply or explain]
5. Yes, due to possible legal implications for the company [Comply or explain]
6. Yes, due to other factors [Free text]
7. No [Comply-or-explain]
 |
| 2.4.2 | What types of (potential) impact on human rights do you consider in the context of risk analysis? | 1. Impact directly caused by the company
2. Impact to which the company contributes
3. Impact indirectly associated with the company
4. Other [Free text]
5. None
 |
| 2.4.3 | Which human rights reference instruments do you take into account in your risk analysis? | 1. Universal Declaration of Human Rights
2. International Covenant on Civil and Political Rights
3. Core labor standards of the International Labor Organization (ILO)
4. OECD Guidelines for Multinational Enterprises
5. Guiding Principles for Business and Human Rights of the United Nations (UN)
6. Other [Free text]
7. No consideration of international reference instruments [Comply-or-explain]
 |
| 2.4.4 | Which context-dependent factors are taken into account in the risk analysis? | 1. Political framework
2. Legal framework
3. Vulnerable groups of people (e.g., indigenous peoples)
4. Sector, product, or service-specific factors
5. Other [Free text]
6. Context-dependent factors are not taken into account
 |
| 2.4.5 | Which information sources do you use to execute the human rights risk analysis? | 1. Discussions in your own company
2. Discussions in affiliated companies
3. Discussions with business partners (suppliers, customers, etc.)
4. Qualitative document research
5. External data or databases
6. Internal data
7. External expertise
8. Other [Free text]
9. No information sources used [Comply-or-explain]
 |
| 2.5.1 | Is the risk analysis scheduled to be updated regularly? | 1. No, one-off test [Comply or explain]
2. Yes, at the following regular intervals [Free text]
3. Yes, when launching new business areas, products or projects [Free text]
4. Yes, as part of the following processes [Free text]
5. 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)? | 1. No particularly high risks were identified
2. In dialogue with (potentially) affected persons on the spot or with a legitimate representative of the affected persons
3. Through the involvement of internal expertise in the field of human rights [Comply-or-explain]
4. Through the involvement of external expertise in the field of human rights
5. By other measures [Free text]
6. No in-depth examination shall be carried out [Comply-or-explain]
 |

| 1. Measures and effectiveness control
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| Number | Question | Answers |
| 3.1.1 | Have you, based on the risk analysis, identified and implemented measures to prevent or mitigate (potential or actual) negative impacts on human rights? | 1. Yes
2. Yes, independent of a human rights risk analysis [Comply or explain]
3. No [Comply or explain]
4. No risks have been identified

*(If the answer is iii. or iv., questions 3.2.1 to 3.4.3 do not apply)* |
| 3.2.1 | What measures does your company implement to counteract actual and potential adverse effects on human rights? | 1. Measures in own operations or at own locations [Free text]
2. Measures at subsidiaries or majority shareholdings [Free text]
3. Measures in the direct supply chain [Free text]
4. Measures in the indirect supply chain [Free text]
5. Measures with a view to products, services and the project business [Free text]
6. Measures for investment opportunities [Free text]
7. Participation in association/industry initiatives [Free text]
8. Other [Free text]
 |
| 3.2.2 | Which employees are trained in human rights aspects? | 1. All employees
2. Employees working in risk-relevant business fields, that is [Free text]
3. All employees and in addition, the following third parties [Free text]
4. None [Comply or explain]
 |
| 3.2.3 | Does your human rights due diligence procedure provide for reparation in the event of actual negative effects? | 1. Yes, as follows [Free text]
2. No [Free text]
 |
| 3.3.1 | Which organizational aspects are taken into account when implementing measures? | 1. Assignment of responsibilities
2. Formulation of objectives for measures
3. Goals are communicated internally and/or externally
4. Compliance verification (verification mechanism)
5. Other [Free text)]
 |
| 3.4.1 | Do you monitor the effectiveness of the measures taken? | 1. Yes, in the following manner [Free text]
2. No [Comply-or-explain]
 |
| 3.4.2 | How often is an effectiveness check carried out? | 1. At least once a year
2. Periodically [Free text]
3. No regular check
 |
| 3.4.3 | Do you enter into dialogue with (potentially) affected parties within the framework of effectiveness monitoring? | 1. Yes, as follows [Free text]
2. No [Comply-or-explain]
 |

| 1. Reporting
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| Number | Question | Answers |
| 4.1.1 | Does the company internally document the implementation of human rights due diligence? | 1. Yes
2. No [Comply-or-explain]

*(If the answer to this question is ii., questions 4.2.1 to 4.2.4 will be omitted)* |
| 4.2.1 | Do you externally communicate the implementation of human rights due diligence? | 1. Yes, the company reports externally. Reporting is available at the following link [Free text must contain link]
2. No [Comply-or-explain]

*(If the answer to this question is ii. questions 4.2.2 to 4.2.4 will be omitted)* |
| 4.2.2 | Which topics are covered in that communication? | 1. The risk analysis procedure
2. Identified human rights aspects
3. Actual effects
4. Measures taken
5. Defined responsibilities in the company
6. Other topics [Free text]
 |
| 4.2.3 | At what intervals does the company report externally? | 1. Continuously
2. Every year
3. Every two years
4. Every three years
5. Periodically [Free text]
6. No regular reporting [Comply-or-explain]
 |
| 4.2.4 | How do you make sure that the information is suitably formulated for the addressees? | 1. As follows [Free text]
2. No assurance [Comply or explain]
 |

| 1. Complaints mechanism
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| Number | Question | Answers |
| 5.1.1 | In what form do you offer a complaint mechanism? | 1. Own complaint procedure
2. External complaint procedure
3. At association level [Free text]
4. As part of a sector initiative [Free text]
5. Other [Free text]
6. There is no complaint procedure [Comply-or-explain]

*(If the answer to this question is iii., questions 5.2.1 to 5.2.4 will be omitted)* |
| 5.2.1 | Which potentially affected groups have access to the complaint mechanism? | 1. All groups, publicly available procedure. This is accessible under the following link

 [Free text must contain link]1. Selected stakeholders:
2. Employees in own company
3. Employees in affiliated companies
4. Employees in the direct supply chain
5. Employees in the indirect supply chain
6. Business partners/customers (B2B)
7. End customers (B2C)
8. Other stakeholders (e.g., local residents)
9. None [Comply-or-explain]
 |
| 5.2.2 | How do you design the complaint mechanism so that (potentially) affected parties can use it? | 1. By involving potentially affected parties (target groups) in the design of the procedure
2. By other measures (e.g., breaking down language or technical barriers) [Free text]
 |
| 5.2.3 | How do you ensure that the mechanism is fair, transparent, balanced and calculable? | As follows: [Free text] |
| 5.2.4 | How and how often do you check the effectiveness of the complaint mechanism? | As follows: [Free text] |

| 1. Concluding Questions
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| 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? | 1. Function Person 1: [Free text]
2. 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? | 1. Yes
2. No
 |
| 6.4 | May we contact you with questions regarding content in the scope of monitoring?*The survey team will only contact you with queries connected with the survey and only during the survey period. These queries are aimed at ensuring full evaluation of the information you provide.* | 1. Yes
2. No

*(If the answer to this question is ii., question 6.5 will be omitted)* |
| 6.5 | Thank you very much! Please enter the contact details (telephone and email) of at least one contact person. | [Free text] |