

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.

0. Preliminary questions		
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]? <i>Non-profit companies are not subject to monitoring. The responses from these companies will therefore not be evaluated.</i>	<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


Translation courtesy of EY.




0. Preliminary questions		
Number	Question	Answers
	<i>If the company has affiliated companies that are majority-owned: please state the number of employees of <u>the group as a whole</u> (not the number for the parent company).</i>	<ul style="list-style-type: none"> iii. 1,000-1,999 iv. 2,000-4,999 v. More than 5.000
0.6	<p>How many employees does the group, which your company is part of, employ?</p> <p><i>Please state the number of employees of <u>the group as a whole</u> (not the number for the parent company).</i></p>	<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 5000
0.7	Please describe briefly (max. 1,500 characters) the value-adding activity of your company.	[Free text]
0.8	<p>Which sector(s) does your company belong to? You can choose up to three sectors.</p> <p><i>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."</i></p>	<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

Translation courtesy of EY.



0. Preliminary questions 		
Number	Question	Answers
		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?	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
0.10	Would you like to use the option of copying over answers for the following questions? <i>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.</i>	i. Yes ii. No <i>(If the answer is ii., question 0.11 does not apply)</i>
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 		
Number	Question	Answers
1.1.1	Does your company have a policy statement on human rights?	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] <i>(If the answer to this question is iv., questions 1.2.1 to 1.4.1 will be omitted)</i>
1.2.1	Is the policy statement available	i. Yes, it is available via the following link [Free text]

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1. Policy Statement		
Number	Question	Answers
	to the public?	<ul style="list-style-type: none"> 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 international 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. United Nations Covenants on Human 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. 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	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)?	<ul style="list-style-type: none"> i. Yes ii. No [Comply-or-explain] <p><i>(If the answer to this question is ii., 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 regards 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


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		<ul style="list-style-type: none"> v. contractual relationship) vi. For the indirect supply chain (indirect business relationship) vii. For own products, services or projects viii. For investment activities ix. For no stage [Comply-or-explain] <p><i>(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.)</i></p>
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)	<ul style="list-style-type: none"> i. Yes ii. No 	<i>See below</i>	<i>See below</i>
ii. For majority-owned affiliated companies (as defined in § 271 HGB) in Germany	(X)	<ul style="list-style-type: none"> i. Yes ii. No 	<i>See below</i>	<i>See below</i>
iii. For majority-owned affiliated companies (as defined in § 271 HGB) in other countries	(X)	<ul style="list-style-type: none"> i. Yes ii. No 	<i>See below</i>	<i>See below</i>
iv. For the direct supply chain (direct contractual relationship)	(X)	<ul style="list-style-type: none"> i. Yes ii. No 	<i>See below</i>	<i>See below</i>
v. For the indirect supply chain (indirect business relationship)	(X)	<ul style="list-style-type: none"> i. Yes ii. No 	<i>See below</i>	<i>See below</i>
vi. For own products, services or projects	(X)	<ul style="list-style-type: none"> i. Yes ii. No 	<i>See below</i>	<i>See below</i>
vii. For investment activities	(X)	<ul style="list-style-type: none"> i. Yes ii. No 	<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>			

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Possible answers to 2.3.3 Human rights issues	Possible answers to 2.3.4 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. Employment and working conditions 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	<p>Do you prioritize the risks identified in the risk analysis?</p> <p><i>Choose, if applicable, at least two answers.</i></p>	<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 [Comply or explain] v. Yes, due to possible legal implications for the company [Comply or explain] vi. Yes, due to other factors [Free text] vii. No [Comply-or-explain]
2.4.2	<p>What types of (potential) impact on human rights do you consider in the context of risk analysis?</p>	<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] v. None
2.4.3	<p>Which human rights reference instruments do you take into account in your risk analysis?</p>	<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

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2. Procedures for identifying actual and potential adverse human rights impacts (risk analysis)		
Number	Question	Answers
		<ul style="list-style-type: none"> vi. Rights of the United Nations (UN) 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
2.4.5	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 [Comply or explain] 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, based on the risk analysis, identified and implemented measures to prevent or mitigate (potential or actual) negative impacts on human rights?	<ul style="list-style-type: none"> i. Yes ii. Yes, independent of a human rights risk analysis [Comply or explain] iii. No [Comply or explain] iv. No risks have been identified <p><i>(If the answer is iii. or iv., questions 3.2.1 to 3.4.3 do not apply)</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. Employees working in risk-relevant business fields, that is [Free text] iii. All employees and in addition, the following third parties [Free text] iv. 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]
3.3.1	Which organizational aspects are taken into account when implementing measures?	<ul style="list-style-type: none"> i. Assignment of responsibilities ii. Formulation of objectives for measures iii. Goals are communicated internally and/or externally iv. Compliance verification (verification mechanism) v. Other [Free text]
3.4.1	Do you monitor the effectiveness of 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	<ul style="list-style-type: none"> i. At least once a year

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3. Measures and effectiveness control



Number	Question	Answers
	check carried out?	<ul style="list-style-type: none"> ii. 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. Continuously ii. Every year iii. Every two years iv. Every three years v. Periodically [Free text] vi. 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 assurance [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"> a. At association level [Free text] b. As part of a sector initiative [Free text] 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 design the complaint mechanism so that (potentially) affected parties can use it?	<ul style="list-style-type: none"> i. By involving potentially affected parties (target groups) in the design of the procedure ii. By other measures (e.g., breaking down language or technical barriers) [Free text]
5.2.3	How do you ensure that the mechanism is <u>fair, transparent, balanced and calculable</u> ?	As follows: [Free text]
5.2.4	How and how often do you check the effectiveness of the complaint mechanism?	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	[Free text]

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6. Concluding Questions			
Number	Questions	Answers	
	company? What support would you like in this context, e.g., from the Federal Government or industry associations?		
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	<p>May we contact you with questions regarding content in the scope of monitoring?</p> <p><i>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.</i></p>	<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]	