

B-Tech Peer Learning Platform

Summary Note — Second Session

INTRODUCTION

On 15 March 2023, the [UN Human Rights B-Tech Project](#) held the second session of the Peer Learning Platform (PLP), a series of webinars open to participants from a diverse range of tech companies from different geographic regions..

The B-Tech Project aims to prevent and mitigate human rights risks relating to the development and use of digital technologies. This is done through promoting effective implementation of the UN Guiding Principles on Business and Human Rights (“UNGPs) in tech. Over the past years, the B-Tech Project has engaged with a number of companies in the sector through the [Tech Company Community of Practice \(CoP\)](#), which has greatly informed and enhanced the many different B-Tech [outputs](#). In order to expand engagement to more companies from diverse geographic regions, the B-Tech Project introduced the PLP to be open to any company from the tech sector or with an interest in the application of the UNGPs to the sector.¹ The PLP is intended to:

- Broaden tech companies’ engagement with the UNGPs, informed by B-Tech foundational guidance;
- Support capacity building within these companies;
- Broker connections among human rights functions across the industry; and
- Foster geographic outreach to tech firms headquartered globally.

Held in two sessions at 10am CET and 9am PDT to accommodate participants in different time zones, the second convening of the PLP introduced participants to the [process of Human Rights Due Diligence in the Context of Product/Service End-Use](#) and provided insight into preparing for regulatory requirements focused on the tech sector.

PART I: HUMAN RIGHTS DUE DILIGENCE IN THE CONTEXT OF PRODUCT AND SERVICE END USE

Benjamin Pitler and Stephanie Seale began with an introduction to the session. Dr. Isabel Ebert gave a presentation on Human Rights Due Diligence in the Context of Product and Service End Use.² The presentation covered workplace monitoring using illustrative examples to demonstrate the application of HRDD in four steps. This helped corporate participants understand conducting privacy due diligence while using digital technologies in the workplace and in addressing the salient human rights risks of pri-

¹ Participation in the Peer Learning Platform is limited to representatives from industry in order to foster an open, peer learning environment. B-Tech offers a separate opportunity for civil society representatives, as well as various multi-stakeholder engagements and events.

² Benjamin Pitler, Stephanie Seale, and Isabel Ebert, all are Advisors to the B-Tech Project.

vacy. Importantly, the B-Tech Project highlighted the need to engage in assessing impact as a process, to make continuous improvements and prioritizing action by the saliency of risk to people.

The four HRDD steps were listed as:

1. Identifying and Assessing Impacts to gauge the nature and extent of human rights risks.
2. Acting to prevent and mitigate risks to people via integration within internal functions and processes.
3. Tracking effectiveness of risk mitigation responses over time.
4. Appropriate communication of performance with respect to addressing human rights impacts.



The session moderators conducted a poll to gauge participants' comfort level with the four stages of HRDD; the majority of respondents noted that their organizations were doing well in identifying and assessing human rights risks and impacts but many acknowledged that there were challenges in

taking action and communicating their efforts with the stakeholders.



PART II: REGULATION AND THE EU DIGITAL SERVICES ACT

The B-Tech Project provided participants with an introduction to tech legislation and its connections with the UNGPs. Specifically, conversation focused on HRDD obligations in government regulation, as in the EU Digital Services Act (DSA).

Pillar One of the UNGPs describes the State Duty to Protect Human Rights, with B-Tech's Focus Area #4 going further, stating that governments should use a "smart-mix" of incentive-based mechanisms and regulatory options to require technology companies to respect human rights. Regulation and HRDD are closely intertwined as UNGP-driven regulation would expect companies to carry out HRDD. The UNGPs provide a framework for governments to make coherent tech regulation regarding respecting human rights and setting consistent corporate responsibility standards. This guarantees certainty for rightsholders and companies on the expectation of business conduct while enabling them to amplify HRDD efforts across jurisdictions.

The DSA is an example of regulation requiring online platforms of a certain size to assess and mitigate human rights risks. It has been enforced since November 2022, with more delegated acts, requirements and details being legislated.

DSA differentiates between very large online platforms (VLOPs), online platforms, hosting services and intermediaries, and it requires VLOPs to conduct risk assessments, crisis response and audits, assess their recommender systems against human rights risks, establish ad repositories regarding targeted advertising, allow data access for researchers and supervisory authorities, put in place a compliance officer, and carry out transparency reporting. Risk categories in the DSA include the dissemination of illegal content, nega-

tive effects on fundamental rights (freedom of expression, data protection, and privacy), negative effects on other societal concerns (public health, security, civic discourse, electoral processes, mental and physical well-being, and children). It further provides that VLOPs take action to adapt content moderation and recommender systems, limit the display of harmful ads or discriminatory ads, reinforce internal processes or supervision, cooperate with trusted flaggers, and establish codes of conduct and crisis protocols.

PART III: Q&A, UPCOMING PEER LEARNING PLATFORM SESSIONS

Participants shared thoughts about the use of AI in Human Capital Management using emerging technologies. Dr. Ebert added some observations regarding workplace monitoring noting that when the law in certain jurisdictions allows workplace monitoring there is a power imbalance between the employee and employer. Questions about conducting HRDD in an especially complex technical product or service were raised, the B-Tech team pointed out that technical complexities were indeed often used as an argument against transparency by the companies. However, companies internally know what they want to achieve with the technologies they develop and understand the implications of using these technologies. Participants also commented on the plan going forward, in the light of tech companies laying off ethics teams. They noted that HRDD was important for business growth as when stakeholder trust was lost, it was difficult to regain.

UPCOMING PLP SESSIONS FOR 2023:

- **May 10:** Human Rights Risks in Business Models/Responsible Investment
- **July 12:** Regulation and the Smart-Mix concept (UNGPs Compass)
- **September 13:** Access to Remedy
- **November 8:** Stakeholder Engagement, Vulnerable Groups & Governance Gaps

These sessions are subject to change and the list may be amended based on participant input and demand. The B-Tech Project welcomes participants to share their ideas for particular dilemmas or urgent topics to be covered in future PLP sessions. Participants may join in any or all of the sessions of the PLP, which do not constitute a linear course. B-Tech will post brief summary notes, such as this one, of the issues covered in each session, on our [website](#). As per the Chatham House Rule, these notes will have no attribution.

For additional information about the B-Tech Peer Learning Platform, please contact OHCHR-b-techproject@un.org. For more information about the B-Tech Project, including past and upcoming activities, please visit the B-Tech [project portal](#).