

CHAPTER I

Principles and values

I.1.1 Social reporting and stakeholder involvement

Gabriele Guglielmi

In 2011 the European Committee defined CST as “the social responsibility of companies and their impact on society”. To be responsible means being accountable for one’s actions. CSR is therefore the way a company deals with its impact on society, for example the repercussions that its activities have on environment and people. Among the most commonly discussed issues we may find how a companies’ activities can influence human rights, workers, rule of law, community and environment.

CSR is about integrating a responsible behavior in the daily activities and functions of a company. Philanthropic or charity initiatives alone may not balance out behaviors which have a negative influence on others.

Subjects which are interested by this are organizations which have “stakes” and may be influenced by the behavior of the company. Sometimes these are called “stakeholders”. We may consider stakeholder of a company all of its workers, and also other workers whose workplace is influenced or could be influenced by the company. Trade unions as well are stakeholders of specific companies, or entire sectors. Sustainable development is strictly linked with CSR since it is only a different way of describing the widespread interest of society.

The European Trade union Confederation has developed a toolkit called “Corporate Social Responsibility” to inform trade unionists on the tools, principles and European and international rules on CSR.

The European trade union Confederation (CES) insists on the following facts:

- CSR must be an ongoing effort, not a pr activity;
- CSR must not represent a way of avoiding dialogue with organized workers, nor an alternative to labor laws and collective bargaining; CSR does not substitute social dialogue, but it contributes to it and integrates it;;
- For workers, the first thing CSR must take in account is the quality of industrial relations within a company; it would in fact represent a contradiction if a company was considered “socially responsible” when it does not respect workers’ rights or does not apply the collective agreement; - a company may boast its socially responsible behavior externally only if it has already internally applied the highest standards;
- Trade unions must support CSR as a way of facing negative impacts of multinational companies and SMEs, in any country where these operate.

According to CES, responsible company practices include:

- a) respecting human rights of workers, including the right to establish a trade union or become a member of one, the right to negotiation and to strike;
- b) promotion of true information and consultation procedures, including European Works Councils and bodies of SEs (Societas Europae); development committees for vocational skills and lifelong training for workers;
- c) regarding the right to health and safety, promote high standards and adopt preventive measures along the whole supply chain;
- d) promote gender equality;
- e) good industrial relations, including the search for modalities to improve social dialogue aimed at anticipating and managing changes and restructurings;
- f) improve quality of employment along the whole supply chain;
- g) respect rights and support employment of vulnerable groups such as youth, disabled people and immigrants.

At a EU level, social dialogue consists in the process of negotiation through which workers and employers reach an agreement on activities and policy cooperation. European social dialogue, being explicitly foreseen in the Treaty on the functioning of the European Union (articles 154 and 155), is a key element in the European social model, and includes discussions, negotiations and joint actions of European social parts.

According to the ILO, social dialogue includes all sorts of negotiations, consultation and simple information exchanges among representatives of public administrations, employers and workers on topics of common interest regarding social and economic policies. Social dialogue represents the best tool to promote better life and work conditions and an improved social justice; it allows to improve governance in many fields; it is important for any effort towards increasing productivity and efficiency of companies and sectors, and to aim for a more efficient and just economy; by doing so, social dialogue contributes to a more balanced and stable society.

Reporting on CSR could be useful to increase transparency in all global supply chains.

CSR reports must include the following information:

- Employment and working conditions in the company – and a due diligence on working conditions in the supply chain and commercial relations;
- Opportunities for worker involvement – information, consultation, participation;
- Measures adopted to support employment of people belonging to disadvantaged groups;
- Measures adopted to contribute and support life/work balance.

The best way to increase awareness and the level of commitment is to involve workers in activities and policies concerning company CSR:

- Establishment of a network among international federations, confederations and local trade unions to guarantee that CSR is implemented and applied in all operations of the supply chain.
- Trade unions may guarantee an important and efficient control regarding CSR, for example by participating to the verification process of working conditions.
- As stakeholders, trade unions have a key role in the establishment, validation and implementation of CSR.

“ We must insist on the fact that workers and their representatives are not stakeholders like the others, since they are inside the company. Trade unions therefore find themselves in a special positions concerning CSR. There may be discussions with other stakeholders, consultations and reports, but not a negotiation as it happens with collective bargaining”. (CGIL-CISL-UIL, Italy).

“To be useful and credible, CST tools (charters, framework agreements, reports and so on) must be integrated with controls, resources and monitoring practices. It is extremely important to have access to resources to be able to monitor the commitment of company managements”. (FSESP¹)

One of the biggest difficulties linked with social reporting is that a company could publish a series of “good practices” and ignore those that had a negative impact, which is more important both for the company and its stakeholders (including employees/workers and unions). As a consequence, it is key that the social reporting pays an appropriate amount of attention towards important issues (“physical needs”, defined hereunder).

Physical needs are those that reflect the significant impact of a company on economic, environmental and social issues, or that influence considerably the evaluations and decisions of stakeholders. [GRI]

WHAT IS A STANDARD?

The interest generated by CSR has given birth to many standards, some of which are also useful for the activities of unionists. The most important criteria to classify the various standards is if these were developed by an authoritative government or intergovernmental organization. If authoritative, then it is believed that a standard falls within the mandate and skills of the organization. These standards could be legally binding or be recommendations

¹ Now EPSU European Public Service Union

on what is considered to be a good behavior for the company. The possibility of gathering data and comparing company behaviors based on an equal “grid” has revealed to be key for an activity such as that performed by Open Corporation.

Concerning CST, the most important and authoritative international standards concerning company behaviors are the United Nations Guiding principles on companies and human rights, the OECD guidelines for multinational companies and the ILO declarations on multinational companies and social policies.

The interest towards CSR has caused a proliferation of private standard developed by companies, business associations such as sector or area ones, companies in cooperation with NGOs and (sometimes) trade unions. Not always do these standards include all the right elements, especially regarding working practices and human rights. In many cases, the standards re-elaborate and redefine expectations of a responsible behavior which have already been established and sometimes used to let others believe that the company has obligations or standards that are inferior to those they actually have. Only a few standards, including those that deal with working practices, talk about the importance of trade unions or the importance of good industrial relations.

The two most important private standards also for unions are the ISO 26000 guidelines and the Guidelines for social reporting by Global Reporting Initiative GRI. Both these standards have been developed through a truly multi-stakeholder approach, including a significant involvement of the trade unions. But most of all, these standards have a significant influence and have been widely adopted.

Standards regarding the direct behavior of a company, relatively to its activities and impact, are sometimes called performance standards, while those concerning the processes used by companies to face its responsibilities are called process standards.

I.1.2 Social Dialogue and collective bargaining

Gabriele Guglielmi

The company being observed:

- What are the relations with union organizations at a global, European and individual country level where it operates, regardless if these countries are in Europe or in the third world?
- Did the company subscribe agreements with GUFs? Does it have an EWC agreement or a SE subscribed by ETUFs or by the affiliated national unions? Are these agreements public?

- Does it engage in collective bargaining in the countries where it operates?
- Does it have pending issues in the national contact points foreseen by OECD?
- Has it been sentenced in a definitive way for anti-union actions?
- What are the bodies in place to inform, consult and favor participation of workers and unions?
- What is the percentage of workers that are members of a trade union?

This list of questions represents the main guidelines being examined by Open Corporation. Additional questions will be included on specific issues such as working conditions of the people performing the examination: from the risk of injury to the quantitative-qualitative dimension of vocational training; and from the typology of working relation to the additional benefits granted by contract or unilaterally.

I.1.3 Financial dimension and transparency

Anna Maria Romano

In literature concerning financial management, it is often described as all those decisions and operation used to find and use capital in the company. Analyzing the activities of a multinational group is needed to give a general snapshot of the societal management strategies and the governance principles of companies regarding the localization of investments, the use of real options in capitalization processes and international investment policy, determinants of foreign exchange risk, the effects of political risk on capital cost, use of mergers and cross border acquisitions and fiscal optimization.

In other words the composition of a company, how it moves on the territory searching for capitals and productive and fiscal conditions that are considered better from a profit point of view. And to identify and foresee the effects on the various stakeholders of such policies, paying special attention towards employment.

What interests us is not to determine whether balance sheets are legally correct, but to understand from figures which are publicly available, any indication of the governance transparency and behavior of the company.

Each operation may be absolutely legal, but have more or less impact on the interests of various stakeholders. "To be socially responsible means to not only be compliant with the applicable legal obligations, but to go beyond, investing more in human capital, environment and relations with other stakeholders". European Community Commission, COM (2001) 366, Green Book.

Let us therefore attempt to have a look at balance figures, with the idea of promoting a European framework for corporate social responsibility regarding multinational companies' accounting policies.

Is social reporting only a matter of numbers?

Information regarding the financial managing of a company are included in the balance sheet, a synthetic information tool on company activities, drafted according to accounting principles defined by European lawmakers and implemented in the individual countries.

The main aim of a balance is to give a summarized information on company conditions, defining the economic result and the capital level, through a recording of company facts in the managing activities, summarized in a series of sure values, evaluated or presupposed.

From this simple definition we may already see how a balance sheet does contain the information on company facts that is much more complex than a simple correlation between facts and figures, representing the managing choices taken by the company, which is an organism living and acting in an economic and social territory.

The need to give information about itself is therefore no more directed uniquely to the capital holders, but also to those that have an immediate or future interest in the company itself, with a special interest towards external recipients, whose interest is guided not only by economic reasons, but also by a series of wider and more complex needs which concern the environment, quality of life, social and economic development models and therefore values we consider intangible. Stakeholders in this case tend to coincide with the society as a whole. Defining, at last, the social value added created and its redistribution. The attitude, behavior and use of internal and external information are the elements that connect the company with the external world, allowing it to communicate an image of itself which is potentially close to what is asked by stakeholders. It is also influenced by many connections with the ethical aspect of company behavior.

Who defines “Ethics”? Trade-off between stakeholders and shareholders:

“A market is a true market when it doesn’t only produce wealth, but also satisfies expectations and ethical values” – Amartya Sen, Nobel prize in economy, 1998.

Considering the ethical dimension of company activities doesn’t mean to stick values and principles in a mere marketing operation, but to discover how setting up relations with the surrounding environment in an aware way may bring a competitive advantage to the company, and may contribute, through quality management, to reaching the fundamental aim of the company: to endure in conditions of economic balance.

Companies traditionally leave to politics and governments the task of facing social issues, as if these were separated from business dynamics. Politics and morals aside, globalization brings to the forefront the issues of social unbalance and relocation of resources, which need much more than a generic appeal to Corporate Social Responsibility to be solved.

Talking about the welfare of a company in the medium-long term is something that goes well beyond offshoring policies based on costs and efficiency measured in the short term. It means to include among the managers' priorities the establishment of a solid reputation, to reduce staff turnover and improve customer satisfaction, basing the company strategy on the inclusion of ethical, social and environmental issues, and collecting the benefits articulated in an internal dimension, included in the resource based perspective (RBP), and an external one associated to company reputation.

To consider a company a simply an organization that belongs to investors (actual and/or potential shareholders) means to undermine its perspectival value, in a purely short term profit view.

The issue therefore becomes that of defining a common ground in terms of values which are shared by all interested parts, and that goes well beyond the simple numerical calculations of profit.

If not for ethics, for profit: and what if ethics and profit coincided? The economic value of reputational risks.

Who works to guarantee other people's rights and the global value of common goods has no doubts on the need for an ethical dimension of company behaviors. But what is key is, in addition to expressing the principle, is that this idea has a measurable economic value, and that it may have a direct influence on a balance sheet, pushing an increasing number of companies to take in account the so called "negative externalities" (the undesired effects of company activities which have a negative effect on the cost-benefit equation).

If on one hand in these times of globalization potential wellbeing has extended, so have the economic unbalances and uncertainty.

The connection between global markets may not ignore the evaluation of old and new risks which are present in a scenario such as the one described. An evaluation that implies a medium/long term vision in a sector where, normally, investors, managers and potential buyers are focused on short term profits maximization.

A governance which is able to include social and economic progress in its vision may pick up the challenge of creating value in a longer time frame and create wellbeing for all stakeholders, imagining its results as stable. From the dissemination of such a behavior model (it doesn't matter if for purely practical reasons) a virtuous circle could derive, which could influence the decision making processes of an entire economic system. In other words, the company could be induced to reconsider in a more ethical perspective its own actions in the search for profit.

This also implies a shift towards a vision which is less focused on shareholders, and towards a more cooperation based approach with all stakeholders.

In addition to the ethical value of the relation, the economic influence of such a policy on company facts must be taken in account, in the search for a new competitive advantage and excellence.

“In general, we may say that improved relations with stakeholders may bring a higher profitability, and a higher company value. Among the results which may be obtained by having better relations with stakeholders:

- a) increased company capacity to foresee change in the external environment as a result of improved communication with external stakeholders;
- b) a higher percentage of successful innovation due to the involvement of stakeholders in teams tasked with designing products and services;
- c) better relations, statistically, come with a minor presence of damage (to the company) caused by stakeholders actions (such as strikes, boycotts, bad press).

If you assume the perspective of a company which is part of a relation network, stakeholder engagement may be considered as a source of competitive advantage (and hence profit) through an efficient inter-organization cooperation.

In a context of globalized economy and instability generated by inequalities, the contribution that stakeholders themselves may bring to the creation of a more ethical business environment, as a result of an alliance between company and stakeholders, becomes the premise for excellence of companies in the market”. (E. D’Orazio – La responsabilità degli Stakeholders).

A company which is capable of long term vision must accept that social consequences of its actions are not disjointed from its financial performance, and the trade off between costs and benefits deriving from responsible activities is capable of generating success and a competitive advantage. A governance capable of implementing a strategy that combines “ethics” and profit and to build positive externalities is necessary. From this will derive an improved reputation and a true wellbeing for employees, clients, investors and media.

Supply chain

It is key for our objective to control the supply chain in terms of localization/outsourcing and, as a consequence, the impoverishment of the value of work and rights.

Balance figures may give us generic indications on a supply chain, in terms of structure of the multinational group, of solidity of the company control, and of territorial and sector expansions/shrinking of the group itself.

Important information may come from the structure of the production costs, in the section regarding the purchase of services and costs of external consultants.

But in a time like this, when the rapid process of digitalization, the new globalization, doesn't include only simple physical outsourcing, geography based and digitally connected. The cost of labor is no longer the only competitive factor for multinational companies. Now the competitive factors are skills, social inclusivity of local productive systems and company characteristics.

Human capital: cost or resource?

The importance of human resources for the creation of value within a company. Skills, knowledge and relations that tie together employees, just as the relations that bind other stakeholders, represent as nothing else does that invisible added value that may give a company a competitive advantage on its competitors. The capacity of management to obtain all a worker can give, generating new lines of internal and external growth, allows the companies to improve, in an important way, its own image in the eyes of clients and suppliers.

This happens by strengthening good industrial relations and having an idea of productivity that is not only tied to quantity, but also to quality of working life, empowering human resources and taking care of the needs and values of the client.

Fiscal Optimization:

Fiscal optimization or Tax Planning is represented by all those practices aimed at making the fiscal burden lighter, within the limits of legality.

In multinational companies, given their structure and relations which are often not easily identifiable between individual companies and geographic positioning in different countries with different fiscal policies, more or less convenient (making use of spaces allowed by different fiscal norms and by the fiscal space allowed by the relation between parent/subsidiary company), the creation of foreign subsidiary companies with HQs in countries with low taxes and/or manipulation of prices in inter-group transactions, with special attention on intangible goods and patents, are part of a mechanism in which the boundary between optimization and tax evasion is too subtle.

A transparency index of external relations of a multinational company is a clear representation of the group structure, of the concatenations of participation between companies, and the corresponding shares of participation, to have a clear understanding of who controls the multinational company.

The new European norm in short:

Rule on foreign subsidiaries

This norm will allow to tax part of the profits developed in a subsidiary with its hq in a

country with a more favorable taxation, when the subsidiary has had a tax burden that is inferior to half of what should be potentially due in the country where the main company is.
<p>Outgoing taxation</p> <p>Applying an outgoing tax (when beyond Europe) for transfers of intangible activities, such as patents and intellectual property (free until now).</p>
<p>Limit to interests</p> <p>Defining a limit to deductible interests, to avoid bogus loans among companies of the group.</p>
<p>Hybrids</p> <p>Eliminated the possibility of deducting the same voice in different countries, since it could have been considered in a different way.</p>
<p>Generic anti-abuse rule</p> <p>Enforced regarding the preemptive circumvention of fiscal norms.</p>

If finance is stranger than fantasy

A purely financial activity in relation with the core activity risks being a strong temptation for many multinational companies, in relation with the high profits obtainable through a potential financial operation. Especially in big distribution companies, where payment of suppliers generates a great deal of liquidity, a strong transparency is necessary when talking about financial activities. But not only here.

Looking at balance figures, we may understand to what extent the activities which are normally considered accessory, contribute to the final result of the group. An excessive weight on the final result is a sign of degeneration towards finance.

A useful signal is the importance of non-core activities on the core one and on the final result.

The result of the relation will be more than 1, meaning the net profit will be greater than the operative income, when the result of the non-core activities (accessory, financial and extraordinary) is positive, increasing the company profits; it will be below 1, meaning the net profit of the company will be inferior to the operative income, when the results of the non-core activities (accessory, financial and extraordinary) is negative, and decreases the company profits.

The indicator is also used together with ROI (profitability rate of invested capital) and leverage (debt load level), when deconstructing ROE, the profitability indicator of invested capital.

It's hard to tell that a number indicates something special. But, for example, a value higher than 1 in this indicator may be a signal of a shift towards an excessive use of financial activities, and could be a good reason to analyze in-depth the issue to understand why: an extraordinary fact? A structural shift? Something else?

But what really interests us is to understand not only how much, but also how and where is the financial activity directed. It is the moment to deconstruct financial investments and make participations and investments transparent. (e.g. armed banks and pension funds).

The topic of pension funds and investing money on future pensions of workers is a key element.

I.1.4 Enhancement of differences and equal opportunities

Ornella La Tegola

The right to not be discriminated is a fundamental right set forth by international and European (see chapter III) sources. It is an expression of the principle of equality and that we are all equal in front of the law, with no distinctions whatsoever. This means that human “diversity” is an essential component of the same idea of equality. The aim of equality therefore does not consists in eliminating “differences”, that are acknowledged, but to avoid “unequal” treatments based on these differences.

The principle of equality is, therefore, a guarantee for freedom and a full expression of one's personality, and of participation to social, economic, political and cultural life of the country. After all, it is well known that workers have a key role in the organization of work. When thinking about the dignity and personal freedom of workers and when we specifically talk about health and safety norms ², we may say that a company is virtuous when it manages to conjugate the needs and the rights of the individual – meant, as we will see, as an enhancement of one's diversities - with the needs of the work organization, to allow male and female workers to develop a “welcoming” company culture that allows employees to work in a company by using abilities and expressing behaviors that reflect for example, gender, race, nationality, age and experience of the involved people.

² Working in a healthy environment and the safeguard of physical and mental conditions are fundamental rights as well.

Diversity is not an abstract concept, but it may be considered as a true “market value” that expresses itself in worker aggregations within a same company. Individual diversity (such as ethnic, physical condition, culture, gender, age, nationality, sexual preferences, religion) must therefore be “enhanced”, meaning they should be recognized and transformed in an opportunity and an added value for the company. Therefore negation of diversity translates in a non-compliance with applicable law.

The reasons that cause discrimination are classified by law and non-compliance means violation of a law and as such is punished by the same law that explains these reasons.

We must also first of all specify that discriminatory reasons, before being a juridical case, are actual characteristics of a person: gender, race, ethnic origin, age, sexual preference, disabilities, religion, personal beliefs (e.g. union membership) are characteristics of the group in question. These are characteristics that, following considerations that are personal before being juridical, constitute differences that the legal system decided to safeguard.

The adoption of an act, pact, behavior, criteria, practice linked to one of the classified reasons is characterized by a social “non-value” that legal systems decided to forbid.

After all, discrimination is a practical fact which is relevant because of its juridical nature, and as such it is forbidden by the European Union treaties, the fundamental rights charter, European Directives and Un declarations, ILO conventions, OECD principles for multinational companies, by the United Nations principles and country constitutions, and by the national transposition laws derived by EU norms. Without discussing their efficiency, all described documents foresee the workers’ fundamental right of not being discriminated.

The **international community** has given ample space to the principles of human dignity and individual freedom. Especially following the aberrations of national socialism, the international community has committed to protecting human rights by creating a system of international norms aimed at binding States to respect a catalogue of human rights (see chapter III).

At a European level, all rights that are present in national legal systems which constitute the base for the so called European Social Model, are recognized by the EU charter on fundamental rights, which is given the same strength of Treaties by article 6.1 of the Treaty on the European Union.

All applicable norms (international and European) express the same value and declare the same principles: The European Community and the International Community are based on **values** such as respect for human dignity, freedom, democracy, equality, rule of law and respect of human rights, including those of people belonging to minorities.

The obvious consequence of what has just been stated should be a significant and sometimes exemplary attention of companies towards topics related to diversity. The result being that all companies should make the policies adopted regarding respect and management of

diversity of workers transparent and cognizable, and promote equal opportunities of workers that are bearers of juridical and categorized diversities.

International and European laws promote the achievement of **equal opportunities** through the adoption of **positive actions**, meaning differences in treatment that aim at changing the social structure, removing obstacles that in practice limit the freedom and equality of a group of subjects ³. Positive actions have been experimented for the first time in the USA in the '50s, as a governmental tool to guarantee equal rights to ethnic minorities, then adopted in the Equal Pay Act, a law on salary equality, in 1963, and in the Civil Rights Act of 1964, initially introduced in relation to the fight against discrimination based on race, and enlarging the scope to discriminations based on religion, ethnic origin and most of all gender in working relations. At a European level, only with Recommendation n.635/1984 did the EU ask its member States to adopt a “positive action” policy in favor of women, against disparities in the workplace. The attention of the European Union was in fact initially tied only to gender differences, since this could be considered an element of social dumping and unfair competition among companies.

In other words, true parity can't be achieved spontaneously, but needs interventions - adopted especially by company governance - to be reached. Companies are therefore the preferred interlocutors to guarantee such an opportunity. What the law demands to companies is to play an **active role to reach a common objective**. Nevertheless, practical experience teaches us that if they are not legally obliged, companies seem to be “distracted” by the topics which are the subject of the present study, probably more (pre) occupied by managing this period of crisis than safeguarding workers' fundamental rights.

It therefore seems very important to let companies understand that it is key, and actually necessary, to adopt and make transparent the measures used to guarantee and safeguard the fundamental rights of workers. This is not merely a positive advertisement for these multinational companies, but most of all it represents the possibility to play an important guiding role for other sector companies, that could emulate after having observed the positive effects obtained by the forerunners.

I.1.5 Accessibility for all

Anna Quartucci

³ The definition itself of positive action describes it as a temporary tool, destined to die off the moment its objective is fully reached, and aimed at removing those specific practical obstacles that are in the way of a true and substantial parity among male and female workers, and more in general, among people belonging to the underrepresented groups.

Introduction to the concepts of people suffering from disabilities and people with special needs.

Since 2003, European year for people with disabilities, we started talking in a more structured way of how to raise awareness of citizens on topics such as non-discrimination and social and working integration of people with disabilities. The actions that would have become, more or less, the guidelines on these issues are the following:

- promote concrete actions to favor equal opportunities
- promote an exchange of experiences on adopted strategies
- intensify cooperation
- improve communication and promote a positive representation
- raise awareness on heterogeneous and multiple types of disabilities.
- pay special attention to rights of children and young disabled people.

Already in December 2002 the EU commitment towards safeguarding disabilities had been strongly reaffirmed in the Nice Charter, article 26, chapter III (equality), stating that “the Union recognizes and respects the right of disable people to benefit of measures intended to guarantee their autonomy, social and professional insertion, and participation to the life of the community”.

Since we have to introduce the concept of people with disabilities, we must first of all define what we mean for people with disabilities, and it is immediately clear how many different definitions there are. The Convention on the Rights of Persons with Disabilities (CRPD) itself, a tool to combat discrimination and violation of human rights, does not offer a clear definition.

Adopted in 2007, signed by all member States, ratified in 2010 by 16 countries, and being ratified by all others:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

Having to define a person with disability or in a more respectful and generic sense of differences, we may affirm that:

- a person with a permanent disability is a person that due to an illness or something else, has a physical or sensorial limit that prevents him/her from having a social and working life, if not through the use of aids.
- a person with temporary disability is a person that, following an accident, illness or other cause, suffers from a temporary limit in his social and working life.
- a person with special needs is a person that has specific needs linked to food intolerances, religion or personal choices/beliefs.

In the project of the ranking OPEN CORPORATION, we have included the concept of accessibility in the open corporation project as a useful incentive to bring positive motivation in all the workplace.

A multinational company that worries about making the workplace, services and the premises accessible to all, will be an inclusive, ethic and sustainable company.

All too often social aspects, an integral part of sustainability, are considered less important than the environmental ones. When we talk about accessibility for all, we mean workers with one or more disabilities, permanent or temporary, and all clients that deal with the multinational company.

Persons with disabilities

- Persons with temporary or permanent disabilities or special needs.
- Sight impaired, blind
- Psychically disabled
- Down syndrome
- Hearing impaired, deaf
- Affected by coeliac disease or food intolerance
- Person which suffers from permanent or temporary reduce mobility

We also deal with people that for religious reasons or personal beliefs, have special needs concerning food:

- kosher
- halal
- vegetarians
- vegans

Persons with temporary special needs

- Pregnant women

Multinational companies: appropriate behavior and tools to be used

- Integrated training that touches topics such as inclusion of persons with disabilities or special needs
- Internal communication that favors also people with disabilities or special needs
- Audit and monitoring to control the efficiency of implemented actions with engagement of persons with disabilities and special needs
- Regular reports

- External communication

Value of accessibility (EU Data on workforce and disability)

Eighty million people in the EU (one sixth of the population) suffer from mild to severe disabilities. These people, that often don't have the possibility to fully enjoy social and economic life due to their disability, present a poverty rate which is 70% higher than the European average.

I.1.6 Environmental sustainability

Ennio Merlini

Impact evaluation of economic activities and more in general the influence companies have on the local and global environment, is based on sustainability principles defined as subsequent phases by the international community. To sum up, we could consider an activity sustainable if it is performed in such a way that it leaves future generations and activities the same amount and quality of natural resources. To be brief, and only in relation with environmental impacts, we could define as variables of human actions the use of natural resources and the introduction in the environment of residual substances or waste. Such variables may be measured and evaluated based on the interested biological cycles. On one hand, natural resources need a certain amount of time to reproduce, and this only affects renewable resources (for example plants), while the non-renewable ones, meaning mineral resources, may not reproduce in nature and therefore their quantity and availability is fixed, and may not be increased in any way. At the same time, the resources we introduce in the environment as a byproduct or waste deriving from the productive and consumption process, need a certain time to be synthesized by natural processes and be returned as resources. Even in this case, we may find ourselves facing situations where this cycle has been altered excessively, just think of the CO_2 introduced in the atmosphere, or the chemical substances deriving from synthesis processes and that can't be synthesized again by the environment, or could be but it would require such a long time that it is meaningless to take them in account. This simplification, that could be useful to understand the problem and its variables, doesn't actually take in account the fact that one perfectly healthy environment, or better yet ecosystem, will be able to guarantee closure to the cycle. Therefore sustainability of an action depends first of all on the quality of the natural environment. Undoubtedly human activities have an impact on the environment and deeply modify it. An accurate analysis of company sustainability may not ignore a careful evaluation of the state of the environments within

which it operates during the different phases of the value chain and impacts that such activities have on them.

Within the scope of this work, aimed at producing an easily understandable index, we are forced to make use of generic and transversal tools and indicators, which *de facto* don't allow us to evaluate with a sufficient precision the impact that a company has on the environment, nor to express a judgement on its sustainability. We therefore give up on trying to develop an in-depth analysis of each company, we may only evaluate if the company is committed, and to what extent, to sustainability, and if in some way it is acting to improve its performances. We must specify that, even in the case that this superficial analysis reveals a "virtuous" company, we wouldn't have the useful elements to understand if the effort applied and the objectives and achieved results are relevant or not.

To add complexity to this analysis, we should mention that many multinational companies operate at the same time in different sectors, and therefore it would be necessary to analyze one by one. We also need to consider how an apparently homogeneous sector such as food and agriculture, hides an enormous diversity of issues (agriculture, fishing, livestock, transformation and preserving, transportation, etc.) and places (oceans, tropical forests, etc.) that would deserve a separate serious analysis.

It would be good to consider the fact that some productive sectors where the company can operate are considered not sustainable because no measures or approaches that could acceptably mitigate the environmental impacts are in place (think of hydrocarbons extraction and refining).

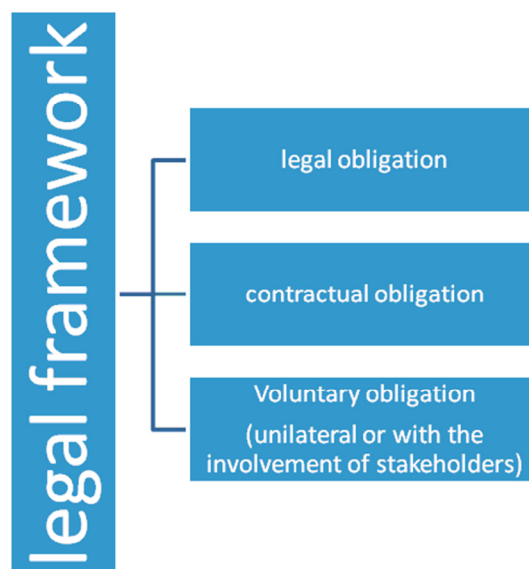
The index will be developed mainly based on the information provided by the company in relation to two major topics. The first part of the questionnaire concerns possible general policies applied by the company to reduce its environmental impact when managing its offices, staff and suppliers. Of particular relevance concerning this topic are the international standards such as Global Reporting Initiative, ISO 26000 and ISO 9004.

The second part of the questionnaire will concentrate on specific company activities to identify the risk level and verify that appropriate mitigation policies are associated to such risks, and that these are verified externally.

In this section we will verify that the company does not operate in those fields that are considered by definition not sustainable. If they do, the final evaluation of the environmental performances of the company can only be extremely negative, regardless of any specific or generic measure adopted.

I.2 Legal framework

As it is known, in source hierarchy, law⁴ is hierarchically superior to a collective agreement or other unilaterally adopted act (or that involves stakeholders) of a multinational company. For what concerns us, sources may be identified based on the juridical nature of the underlying obligation. We will then have norms that foresee legal obligations, pacts that come with contract obligations, and acts from which voluntary obligations derive. In this last case, we refer to unilateral obligations that the multinational undertakes on its own initiative or following stakeholders engagement (for example consumers, people living close to the company, institutions, and suppliers).

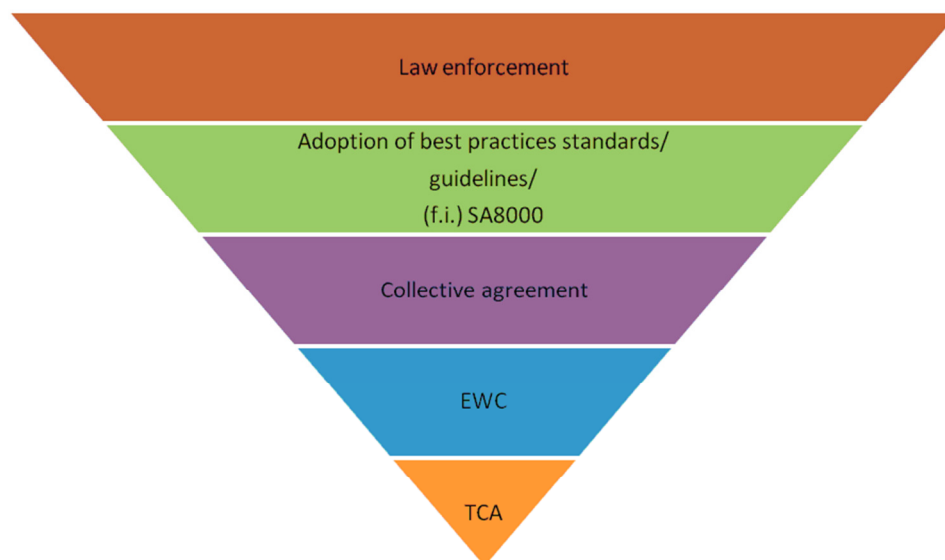


When undertaking the evaluation included in the TNC sheet (for company representatives) and the EWC one (for workers' representatives) it should be reminded **that observing the law, even if important, does not bring in itself a better positioning on the ranking.** The objective is to identify companies that are more transparent and open to involving workers and their representatives and with a better reputation. This ranking wishes to rewards multinational companies that **go beyond observing the law, adopting unilateral contract commitments and/or obligations** regarding the rights and interests of the four “pillars” specifically identified in thematic sections of the data collection sheets.

⁴ As for example the European Directives, European rules, Conventions and national laws. Non-binding legal sources are instead represented by Declarations, Guidelines and other so called soft laws.

Therefore, the position in the ranking will depend on the quantity and quality of contract/union/participation or voluntary obligations the company has undertaken. In other words, even if we presume full respect of law, we must specify that violating a legal obligation causes a negative value to the final score.

What has just been said can be represented graphically as follows:



This upside down pyramid represents a sort of funnel through which the company is filtered. As it goes down the pyramid, it “refines” its ranking. For example, a multinational that finds itself in the red zone of the pyramid, is of little significance to the ranking. A higher position in the ranking will be given to the company which adopts acts and pacts present in the subsequent areas up to the light blue and orange areas.

In the following evaluation, a company will have a higher score if it regularly bargains with its union representatives and engages workers and their representatives in company dynamics. Data collection sheets may be compiled every year to improve one’s position in the ranking.

Hereunder we will specify as an example some international and European sources, the adoption of which we believe is more significant for the final score in the ranking.

I.2.1 International Sources

All the above mentioned issues touched by the questionnaires are based on the principles and rights granted by international sources. For example, The ILO TRIPARTITE DECLARATION on multinational companies and social policies (and subsequent revisions) adopted in 1977 by ILO enounces principles on general policies; employment; working and

living conditions; industrial relations⁵; The OECD GUIDELINES ON MULTINATIONAL COMPANIES, included in the OECD declaration on international investments and multinational companies (of 1976, then revised). These are recommendations that express principles and norms for a responsible company conduct, and are aimed at multinational companies in countries that have adhered to the declaration (or that have offices in these countries); the ISO 26000 norm, launched in 2010 by the International Organization for Standardization (ISO) to give guidance on social responsibility. Its objective is to contribute to the global sustainable development of companies and other organizations and use social responsibility to improve the impact on workers, environment and communities.

Another important source is the GLOBAL REPORTING INITIATIVE (GRI) which promotes reporting on sustainability. In 2013, GRI has published the 4th framework for such reporting: the G4 guidelines. These are voluntary, supply a structure for reporting and include indicators and criteria.

Lastly, SA8000 is the only international voluntary certification standard developed by a third party that intends to conjugate the criteria of company management and the principles of social responsibility, through a series of requirements that imposes an ethically correct behavior on companies and on suppliers towards workers.

The norm is promoted by SAI (Social Accountability International) and establishes requirements that must be complied with by organizations, especially concerning the improvement of workers' rights, the conditions of the working place, and all this must be inserted in an efficient management system that can guarantee formal and substantial implementation; ISO 14001 is also a norm on **social accounting** (a process norm for environmental management systems. It doesn't foresee any obligation regarding performances. It has been largely adopted: more than 100.000 implementations, and often represents a condition for suppliers); FAIRTRADE was developed by NGOs that initially operated independently from companies. A typical Fairtrade standard will include: traceability; labelling; packaging and description of product; management of production practices; safeguard of environment; working conditions; financing of producer; minimum prices; premium prices; support for the producer; COMPANY CODES OF CONDUCT. May be on various issues, from supply chain conditions (Fair Labor Association) to general conduct (Dow's 'Diamond Standard' Code of Business Conduct). May be developed by an industrial sector or a single company; The MILLENNIUM DEVELOPMENT GOALS (MDG) as of today only partly achieved. For the 2015 period, the attention shifts on the Sustainable

⁵ The principles regarding the promotion of full employment, productivity and freedom of choice, the priority to employment in the hosting country, an advance notice on big changes, training, working and living conditions, salaries not inferior to relevant markets, respect for minimum wage, guarantee of high health and safety standards, industrial relations, freedom of association, collective bargaining, consultation, complaint management (we ask a just procedure, especially if the activity is performed in a country that does not adhere to fundamental ILO conventions (for example regarding child labour)).

Development Goals (SDG); the SUSTAINABLE DEVELOPMENT GOALS (SDG). These objectives deal with sustainable development and relevant interconnections; and the active and appropriate involvement of all interested subjects.

Regarding the financial dimension, principles for drafting/evaluation of balances are very important - The IAS/IFRS (**International Accounting Standards/International Financial Reporting Standards**) are a set of accounting rules created by international committees (IASC – International Accounting Standards Committee – substituted in 2001 by IASB - International Accounting Standards Board – part of the US private IASC Foundation) with the aim of making international comparison of balances easier and define principles of transparency and common accounting values. In Europe, the introduction of international *standards* was realized in 2002 with the Rule (EC) n. 1606/2002 (and a series of other rules so called “validation rules”) emanated to discipline the practical implementation of the IAS/IFRS in European laws. In particular, with rule n. 1606 of 2002 , the European Union made it obligatory to adopt the international principles in consolidated financial statements of listed companies starting from the current fiscal year to 1st January 2005, also for banks and insurances. Italy, with a subsequent decree law n. 38 of 2005, has extended the obligation to company balances of companies for the year 2006, and the faculty only for consolidated financial statements of all other companies starting from the 2005 fiscal year. In this sector as well the OECD guidelines for multinational companies are key, especially with regard to the principles related to the base erosion and profit shifting (BEPS) and the OECD agreement against fiscal elusion of multinational companies (Multilateral competent authority agreement –MCAA) subscribed by 31 countries and based on which an exchange of information is foreseen by the various fiscal administrations: multinational companies will have to communicate to the countries where they operate, how much they are making as a profit and how much they pay in taxes. We will then have a global perspective of the key indicators for multinational companies. Lastly, a relevant international source is the OECD: country by country agreement.

The topic of **diversity** is included in many international sources, which we may not list fully due to space constraints. We therefore list the main ones:

UNIVERSAL DECLARATION OF HUMAN RIGHTS approved by the General Assembly of the United Nations in 10.12.1948 (<http://www.un.org/en/universal-declaration-human-rights/h>) states the principles of formal equality of all individuals in respect to law, without distinctions due to race, colour, gender, language, religion, political opinion, national or social origin, wealth, birth or other condition (see art.2).

The UNITED NATIONS CHARTER of 1946 represents the commitment of each member to act collectively or individually in cooperation with the organization to promote the respect and observance of the universal human rights.

CONVENTION FOR THE SAFEGUARD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS signed in Rome the 4th of November 1950, identifies the objectives that must be pursued at a national and international level to safeguard human rights.

REVISED CHARTER ON SOCIAL EUROPE drafted in Strasbourg the 3.05.1996, as the above mentioned Convention, it identifies the objectives that must be pursued at a national and international level to safeguard human rights.

CONVENTION ON THE RIGHTS OF THE CHILD (approved by the General Assembly of the United Nations the 20th of November 1989) it forbids discrimination of all minors, without distinctions due to race, colour, gender, language, religion, opinions of the child or the parents, and in particular it forbids to employ children that have not reached an appropriate minimum age, and the right for disabled minors to receive special care.

UNITEN NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (adopted by the UN General Assembly the 13th of December 2006), forbids discrimination and establishes the right to equal opportunities and accessibility for persons with disabilities and the parity between disabled men and women.

Concerning ILO, we also remind:

- **CONVENTION N. 1 - HOURS OF WORK (INDUSTRY)** (1919)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:COO1);
- **CONVENTION N. 29 - FORCED LABOR** (1930)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO);
- **CONVENTION N. 87 - FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE** (1948)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312232:NO);
- **CONVENTION N. 100 - EQUAL REMUNERATION** (1951)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312245:NO);
- **CONVENTION N. 105 - ABOLITION OF FORCED LABOR** (1957)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312250:NO);
- **CONVENTION N. 138 - MINIMUM AGE** (1973)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312283:NO);
- **CONVENTION N. 182 - WORST FORMS OF CHILD LABOR** (1999)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO);
- **CONVENTION N. 183 - MATERNITY PROTECTION** (2000)
(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312328:NO).

UN Standards treat this topic as well, approved by the Council of the United Nations for human rights in 2008 and relative guiding principles that impose a significant policy on companies related to human rights concerning international standards on multinational companies behaviour; the UNITED NATIONS GUIDING PRINCIPLES, the OECD GUIDELINES, the TRIPARTITE DECLARATION OF THE INTERNATIONAL LABOR ORGANIZATION on MULTINATIONAL COMPANIES AND SOCIAL POLICY (MNE declaration by ILO), the INTERNATIONAL NORM 26000 (ISO 26000), the norm SA8000, especially given the relevance concerning fight against child labor;

GR4 GUIDELINES: adopting them reveals information on the respect for dignity of people at work and of human rights.

Regarding the topic of accessibility⁶, the main international sources are the UN CONVENTION on the RIGHTS OF PERSONS WITH DISABILITIES (also CRPD), a practical tool that allows to fight discriminations and violation of human rights.

Adopted in 2007, signed by all member States, ratified in 2010 by 16 States, it is currently in the process of being ratified by all other States as well.

Regarding **environmental safeguard**, we highlight the Global Reporting Initiative, and, among the most recognized certifications systems, (FSC (Forest Stewardship Council) which is related to all wood products (so also paper and packaging) and MSC (Marine Stewardship Council) concerning all sea products (but could be relevant also for who does not work in the fishing sector, but also for example in company cafeterias).

I.2.2 European Sources

Based on the methodologic premise described above, we propose as an example the most relevant European sources for each discussed topic.

Regarding **social accounting**, the DIRECTIVE 95/2014/EU ON DISCLOSURE OF NON-FINANCIAL AND DIVERSITY INFORMATION concerns the obligation for undertakings bigger than a certain size to communicate a non-financial report including at least social and environmental information, staff information, respect of human rights and fight against active and passive corruption.

Regarding the **financial dimension**, see the directive on annual financial statements, consolidated balance and relative relations of some typologies of undertakings (modifies the previous directive 2006/43/EC); **DIRECTIVE 2014/95/EU** of the European Parliament and Council of 22nd October 2014, modifying the Directive 2013/34/EU concerning disclosure of non-financial information and diversity information by certain large

⁶ See the following links as well: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

undertakings and groups; **DIRECTIVE 2016/64/UE** the so called anti-evasion directive, introduces five anti-evasion measures that will be adopted by all 28 member States to contrast some of the most common methods of fiscal optimization.

Directive n. 2016/881/EU, that modifies Directive n. 2011/16/EU on automatic compulsory information exchange in the fiscal sector. The modification introduces the obligation for member States to exchange fiscal information on activities of multinational companies, which must present a country by country report (one of the actions developed by OECD within the BEPS project for the fight against tax evasion and fiscal elusion through the mechanism of compensation between companies and states).

Starting from January 1st 2016, the Ultimate parent company of a multinational group with a consolidated yearly income higher than 750 million euros (or an equivalent amount in local currency) will have to send a yearly Country-by-Country Report, a document which includes a series of information relatively to global allocation of income, taxes paid and indicators on the localization of economic activities within the countries.

Regarding **diversity**:

COMMUNITY CHARTER OF FUNDAMENTAL SOCIAL RIGHTS OF WORKERS of 9.12.1989 (<http://www.eesc.europa.eu/resources/docs/community-charter--en.pdf>), establishes specific and primary rights for workers among which the right to equality between men and women in all fields, including employment, tasks and remuneration (see art. 23) with the possibility of adopting specific positive actions that include specific advantages in favour of the underrepresented gender.

TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (from now on TFUE), of 13.12.2007 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>), in which the power of the European Council to adopt appropriate provisions to fight against discriminations based on gender, race or ethnic origin, religion or personal beliefs, disabilities, age or sexual preferences (art.19) and, to abolish all forms of discrimination based on nationality in employment, remuneration and other working conditions (art.45) is described; the **principle of equal remuneration between male and female workers** working on the same tasks or performing tasks of equal value (see art. 157), also establishing that the “principle of equal treatment does not stop a member State from keeping or adopting measures that foresee specific advantages to favor work or professional activities of the underrepresented gender, and to avoid or compensate disadvantages in professional careers”. (art. 157 TFUE).

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION of 11.12.2000 (http://www.europarl.europa.eu/charter/pdf/text_en.pdf), in particular see articles 20 (equal treatment); art. 21 forbidding discrimination based on gender, race, color of skin or ethnic or social origin, genetic characteristics, language, religion or personal

beliefs, political opinions or of any other nature, being member of a national minority, personal wealth, birth, disabilities, age or sexual preferences; art. 22 right to cultural, religious and linguistic diversity; art. 23 equal treatment of men and women and equal opportunities; art. 26 right of disabled persons to benefit from measures intended to guarantee their autonomy and social and professional insertion, and the participation to community life.

The articles described of the TFEU and the treaty on the European Union have been implemented with the adoption of some **European directives** that specified equal treatment and forbidden discrimination for the described reasons.

In particular:

- Directive 75/117/EEC (10.2.1975), directive 76/207/CEE (9.2.1976), directive 97/80/EC (15.12.1997), directive 2002/73/EC (23.9.2002), then abolished and merged in **DIRECTIVE 2006/54/EC** (5.7.2006) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:en:PDF>) forbidding **gender** discrimination;
- **DIRECTIVE 2000/43/EC** (29.6.2000) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>) on discrimination for racial or ethnic motivations;
- **DIRECTIVE 2000/78/EC** (27.11.2000), (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>) **on discrimination due to sexual preference, age, disabilities, religion or personal beliefs.**

In all mentioned directives, it is often included that **companies must promote the principle of equality by strengthening the role of social parts and non-governmental organizations**, promoting reaching an appropriate level of collective contracts/agreements that establish rules against discrimination and encourage dialogue among social parts to promote the principle of equal treatment, also through the monitoring of practices in the workplace, collective contracts, codes of conduct and researches or exchanges of experiences and good practices.

- **DIRECTIVE 95/2014/EU** is also important regarding the disclosure of diversity information, see above.

Concerning health and safety, the following must be mentioned:

- **DIRECTIVE 89/391/EEC** on health and safety of workers (<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31989L0391>),
- **DIRECTIVE 2003/88/EC** on the organization of some aspects of working time (<http://eur-lex.europa.eu/legal-content/IT/TXT/?uri=celex%3A32003L0088>),
- **DIRECTIVE 94/33/EC** on **health and safety for youth at work** (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31994L0033>),

- **DIRECTIVE 92/85/EEC** on health and safety of **pregnant workers and workers who have recently given birth or are breastfeeding** (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0085>) .
- **LAWS AND GOOD PRACTICES.** A positive evaluation will be given to the multinational company that has extended the scope of national laws to include the benefits foreseen by it to a higher number of people indicated by the law. As an example, think of the Italian law n. 120 of 12th July 2011, that compels listed companies select administrator adopting a criteria of gender balance.

Regarding accessibility, see the CHARTER OF THE FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, Art. 1, art.21, art.26, described above.

In addition, see the COMMUNICATION BY THE COMMISSION TO THE EUROPEAN PARLIAMENT, COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF REGIONS, European strategy on disabilities 2010-2020: a renewed commitment for barrier free Europe

(COM/2010/0636)

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52010DC0636&from=IT>
http://www.europarl.europa.eu/charter/pdf/text_en.pdf

The MADRID DECLARATION, emanated in March 2002 in occasion of the International year on Disability (2003), it shifts the interest from a purely medical-scientific view to a social one. Different topics discussed: integration in school and in the working place, assistance and organisation of disabled persons. Discrimination is described as a general attitude that must be fought not only with legal but also cultural means.

LAWS AND GOOD PRACTICES

In this section we intend to positively evaluate those multinational companies that have voluntarily extended the implementation scope of a national law. For example, in the Italian law:

- Law 12th March 1999, n. 68, Norms on rights at work for disabled persons. This law aims at promoting the integration of disabled persons in the work place compelling employers to hire a certain number of disabled persons
<http://www.parlamento.it/parlam/leggi/99068l.htm>
- D.P.R. 380/2001 from art.77 to art. 82, main legal reference for constructions. These articles describe how to overcome architectonic barriers in public and private

buildings, and buildings that are open to the public.
<http://www.parlamento.it/parlam/leggi/deleghe/01378dla.htm>

- DPR 503/1996, Rules on eliminating architectonic barriers in public buildings, spaces and services. <http://www.normattiva.it/uri-res/N2Ls?urn:nir:presidente.repubblica:decreto:1996:503>
- **Law n. 104/1992**, framework law on assistance, social integration and rights of disabled persons http://www.sicet.it/pages/urbanistica/leggi_urb/legge_104-92.htm

Other laws on disability:

- L. 381/70: economic assistance to deaf-mute persons.
- L. 180/78: Psychiatric reform.
- L. 41/86: Elimination of barriers in public buildings.
- L. 13/89: Elimination of barriers in private buildings.
- L.162/98: Support to persons suffering from severe disabilities

Regarding other UE countries, as an example we may mention the **Disable discrimination act** (DDA 2003) (UK)

https://en.wikipedia.org/wiki/Disability_discrimination_act, and the **Equality act** of 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Lastly, concerning the **environment**, the following directives are of primary importance:

DIRECTIVE 2009/29/EC on environmental and climatic change, also concerns **the emission trading system** (ETS) (

[Directive 2009/29/EC](#))

Decision 406/2009/EC on emissions produced by sectors not covered by the ETS system, such as transport on road, waste, agriculture and real estate sector are all subject to the decision **to share the effort** ([Decision 406/2009/EC](#))

DIRECTIVE 2009/28/EC on renewable energy sources ([Directive 2009/28/EC](#))

DIRECTIVE 2009/31/EC on technologies to capture and stock carbon ([Directive 2009/31/EC](#) .

[Regulation 443/2009](#) establishing the norms for **CO₂** emissions in new cars.

[Directive 1999/94/EC](#) on policies for the reduction of CO₂ emissions

Regarding biodiversity, nature and soil:

DIRECTIVE 92/43/EEC, so called Habitat directive, established the European network “Natura 2000” classified according to directive 79/409/EEC. ([Directive 92/43/EC](#))

DIRECTIVE 79/409/EEC so called birds directive, concerning protection, management and control of wild birds, including new norms for sustainable hunting [Directive 79/409/EC](#)

Base **REGULATION (EC) N. 338/97** ([Regulation 338/97](#)) regarding the protection of wild flora and fauna through control of their commerce (modified by regulation (EC) n. 398/09. ([Regulation 398/09](#))

Directive 83/129/CEE, extended indeterminately by directive 89/370/EEC, it forbids the importation of products deriving from seal cubs in the EU. In 2009, the regulation (EC) n.1007/09 has introduced even stricter rules on importing products deriving from seals. ([Directive 83/129/EC](#))

Directive 2010/63/EU on the protection of animals used for scientific reasons (abolishing directive 86/609/EEC), based on the so called “3 R principle” (replacement, reduction, refinement), implemented the 1st of January 2013. ([Directive 2010/63/EC](#))

It is also useful to mention the Washington Convention, also known as CITES, regulating the international trade of endangered species or parts of species.

The **Convention on International Trade of Endangered Species**, or **CITES**, is an international convention signed in Washington in 1973. It aims at regulating international trade of endangered wild flora and fauna (CITES). It concerns the trade of living and dead specimens, or only parts of organisms or products, trying to stop the commercial exploitation of endangered species (first cause of extinction, followed by habitat destruction).

TIMBER REGULATION ([Regulation 995/2010](#)) is a EU regulation of 20th October 2010 aimed at fighting against the internal EU trade of illegally provided wood and products derived from it.