

QUESTIONNAIRE 5: BUSINESS REPRESENTATIVES¹

STAKEHOLDER TYPE: DUTY-BEARERS

About the modernisation of the Chile-EU trade agreement

In 2003, Chile was the first South American country to have a trade agreement with the EU, as part of the EU-Chile Association Agreement. Since then, the global economy has changed profoundly, and trade agreements have also become much broader and deeper. Therefore, Chile and the EU have decided to modernize the existing agreement. Negotiations on the modernisation have started in November 2017 and are currently ongoing. Details about the negotiations, including the issues covered and text proposals are available from the [European Commission DG Trade](http://trade.ec.europa.eu/doclib/press/index.cfm?id=1793) (<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1793>; in English) and the [Government of Chile](https://www.direcon.gob.cl/cuarto-adjuntotpp/acuerdo-de-modernizacion-chile-union-europea/) (<https://www.direcon.gob.cl/cuarto-adjuntotpp/acuerdo-de-modernizacion-chile-union-europea/>; in Spanish, with text proposals in English).

About Sustainability Impact Assessments (SIAs)

SIAs analyse the potential economic, social, human rights and environmental impact of trade agreements being negotiated by the European Union (EU). They are based on a robust analysis of the changes that are likely to be caused by the trade agreement in the EU, the partner country and specified other countries. Equally important, they include wide-ranging consultations with stakeholders in the EU and the partner country. SIA findings and recommendations feed into the negotiations, helping negotiators to optimise the related policy choices.

The SIA in support of the modernisation of the trade pillar of the existing EU-Chile Association Agreement is implemented by BKP Development, a German-based economic research and consulting firm, in cooperation with Vincular, the Center for Social Responsibility and Sustainable Development at the Catholic University of Valparaíso in Chile. More information about the SIA is available on a [dedicated website \(http://trade-sia-chile.eu/\)](http://trade-sia-chile.eu/).

About trade between Chile and the EU

The EU is Chile's third largest trading partner, after China and the US, in 2017 representing some 14% of Chile's total trade. Conversely, Chile accounts for 0.5% of total EU trade in goods. Trade between Chile and the EU in 2017 stood at € 17 billion (€ 8.2 billion EU imports and € 8.8 billion EU exports), with the EU's main exports to Chile being machinery and transport equipment (52% of total EU exports to Chile in 2017), manufactured goods (22%) and chemical products (15%). Chile's main exports to the EU are food and live animals (33%), raw materials (32%, mainly copper), and manufactured goods (23%). In addition, bilateral trade in services in 2016 amounted to € 5.5 billion (€ 3.7 billion EU exports and € 1.8 billion EU imports). Finally, the EU is Chile's first Foreign Direct Investment (FDI) provider. Total EU FDI stock in Chile in 2016 stood at € 47.2 billion.

About this questionnaire

In this questionnaire, we ask you to give your opinion on the impact of the modernised agreement between the EU and Chile on the enjoyment of human rights in your country of operation and the relation between business and human rights. Do let us know!

Questionnaire responses will be handled anonymously. Any personal data provided will only be used by us to possibly follow up but this personal data will not be shared with any third parties.²

In case of questions, do not hesitate to contact us at: contact@trade-sia-chile.eu

¹ This questionnaire is adapted from the Human Rights Compliance Assessment (HRCA) Quick Check by the Danish Institute for Human Rights (2006), available at: https://hrca2.humanrightsbusiness.org/docs/file/HRCA%20Quick%20Check_English.pdf and NomoGaia Human Rights Impact Assessment Toolkit, available at: <http://nomogaia.org/tools/#item1>

² Please note that your contribution may be subject to a request for access to documents under EU Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

Name of the organisation/ business/ company: _____

What kind of business do you represent (SMEs, sectors you represent, etc.)? _____

Is your company woman-led (ownership or senior management)? yes no

Where is the organisation based? _____

In what country/ies do you operate? _____

Contact information _____

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
	YES	NO	I DON'T KNOW	POSITIVE CHANGE	SOMEWHAT POSITIVE CHANGE	NO CHANGE	SOMEWHAT NEGATIVE CHANGE	NEGATIVE CHANGE	I DON'T KNOW	
Labour-related impacts										
1. Do companies take all necessary measures to ensure that they do not participate in, or benefit from any form of forced labour (this can include bonded labour, debt bondage, forced prison labour, slavery, servitude, or human trafficking)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Do companies refrain from retaining the identity cards, travel documents, and other important personal papers of its employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Do companies comply with minimum age standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. If companies become aware that they are employing children of school age, do they ensure that the children are enrolled in a remediation/education programme, rather than being summarily terminated from employment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Do companies ensure that they do not hire minors (below 18 years of age) to perform work that is hazardous or harmful to their health, safety, or morals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
	YES	NO	I DON'T KNOW	POSITIVE CHANGE	SOMEWHAT POSITIVE CHANGE	NO CHANGE	SOMEWHAT NEGATIVE CHANGE	NEGATIVE CHANGE	I DON'T KNOW	
6. Do companies ensure that their general compensation, benefit plans, and employment-related decisions are based on relevant and objective criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Do companies seek to maintain a work environment that is culturally respectful and sensitive to the needs of all workers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Do employers have training programmes in place where instruction is made available, without discrimination, to help worker achieve the qualifications at all levels within the company?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Do companies have in place initiatives for promoting training and professional development of women?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Do companies recognise the freedom association rights of their workers, including the right to bargain collectively?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Do companies ensure that their workers are accorded safe, suitable and sanitary work facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Do companies supply their employees with the protective equipment and training necessary to perform their tasks safely?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Do companies take measures to protect workers from acts of physical, verbal, sexual, or psychological harassment, abuse, or threats in the workplace, including when determining and implementing disciplinary measures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Do companies have an individual or department responsible for monitoring company compliance with non-discrimination standards and policies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Do companies have mechanisms for hearing, processing, and settling the grievances of employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Do companies provide a living wage which enables workers to meet the basic needs of themselves and their dependents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
	YES	NO	I DON'T KNOW	POSITIVE CHANGE	SOMEWHAT POSITIVE CHANGE	NO CHANGE	SOMEWHAT NEGATIVE CHANGE	NEGATIVE CHANGE	I DON'T KNOW	
17. Do companies grant employees paid holiday and sick leave each year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18. Do companies grant female employees maternity leave and other social benefits for the care of a newborn or newly adopted child?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Do companies respect the privacy rights of their employees whenever they gather private information or implement employee-monitoring practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20. Are recruitment processes fair and transparent ³ ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21. Do companies ensure that employees understand how their salary is determined?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22. Are employees entitled to pension?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
23. Are employees covered or entitled to health insurance or free medical care?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Community impact										
24. Are company security guards trained when to intervene in security-related situations and how to use the minimal authorized force necessary?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25. Before purchasing land, do companies consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
26. Do companies ensure that they do not participate in or benefit from improper forced relocations, and adequately compensate inhabitants in voluntary relocations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27. Do companies consult with local inhabitants and take measures to address and mitigate any disruptive effects that their operations may have on company land, the local community, and the natural resources in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

³ In line with the ILO Principles and Operational Guidelines for Fair Recruitment (2016), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_536755.pdf

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
	YES	NO	I DON'T KNOW	POSITIVE CHANGE	SOMEWHAT POSITIVE CHANGE	NO CHANGE	SOMEWHAT NEGATIVE CHANGE	NEGATIVE CHANGE	I DON'T KNOW	
28. Do companies have emergency procedures in place to effectively prevent and address all health emergencies and industrial accidents affecting the surrounding community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
29. Do companies have mechanisms for hearing, processing, and settling the grievances of the local community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
30. Do companies exercise due diligence when designing, manufacturing and marketing products, to protect against product defects which could harm the life, health or safety of the consumer or others likely to be affected by the defective product?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
31. Before using local artistic or copyrightable material or patenting a previously unpatented invention that has already been in use by a local or indigenous people, do companies first obtain the informed consent of the creator or owner of the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
32. Do companies screen and monitor all major suppliers, contractors, sub-suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other comments										
33. If you have anything else to say about the impact of the proposed modernised agreement between the EU and Chile on human rights, please use this space here. Also, you can always contact us directly at: contact@trade-sia-chile.eu										