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Business and Human Rights: an analysis of attempts to neutralize allegations of human rights violations

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Abstract

This article analyzes companies' attempts to neutralize allegations of human rights (HR) violations. The literature review focuses on the meanings HR gained in businesses. The empirical material comprises secondary sources such as newspapers, NGO reports, blogs, and other publications resulting from initiatives aimed at environmental causes and HR. Based on the empirical material, we analyzed the denunciations of HR violations by nine multinationals and we used thematic analysis based on the theoretical contribution and the selected sources. The results showed that companies, as global players, adopt corporate complicity attitudes abstaining from responsibilities and a recurring attempt to deny complaints by disqualifying and discrediting them, denying the past, literally and implicitly, and creating war cabinets.

Keywords: Business and Human Rights. Abstaining from responsibilities. Complaint neutralization.

Negócios e direitos humanos: uma análise das tentativas de neutralizar as denúncias de violações contra os direitos humanos

Resumo

Análise das tentativas de empresas de neutralizar denúncias de violações contra os Direitos Humanos (DH). A revisão da literatura concentra-se nas noções que o termo DH adquiriu na área de negócios. O material empírico é composto por fontes secundárias como jornais, portais de notícias, relatórios produzidos por organizações não governamentais (ONGs), *blogs* e outras publicações decorrentes de iniciativas voltadas às causas ambientais e de DH. Este material empírico foi a base para a análise de denúncias de violações aos DH de nove multinacionais e, ainda, valendo-se do aporte teórico e de fontes selecionadas, utilizou-se a análise temática (AT) como proposta metodológica para atingir os objetivos. Os resultados mostraram que as empresas atuam como *players* globais e adotam posturas corporativas de cumplicidade, abstenção de responsabilidade e uma recorrente tentativa de negação, por meio da desqualificação e desacreditação das denúncias, criação de gabinetes de guerra e uso de estratégias de negação como a negação do passado, literal e implicatória.

Palavras-chave: Negócios e Direitos Humanos. Abstenção de responsabilidade. Neutralização de denúncias.

Empresas y derechos humanos: un análisis de los intentos de mitigar las denuncias de violaciones de los derechos humanos

Resumen

En este artículo se analizan los intentos de las empresas por neutralizar las denuncias de violaciones a los Derechos Humanos (DD.HH.). La revisión de la literatura se centra en las nociones que ha adquirido el término DD.HH. en el ámbito empresarial. El material empírico se compone de fuentes secundarias como periódicos, portales de noticias, informes elaborados por organizaciones no gubernamentales (ONG), *blogs* y otras publicaciones que surgen de iniciativas dirigidas a causas ambientales y derechos humanos. Este material empírico sirvió de base para el análisis de las denuncias de violaciones a los DD.HH. de nueve multinacionales y, además, a partir de apoyos teóricos y fuentes seleccionadas, se utilizó el análisis temático (AT) como propuesta metodológica para lograr los objetivos. Los resultados mostraron que las empresas actúan como actores globales y adoptan posturas corporativas de complicidad, abstenção de responsabilidad y un intento recurrente de negación, a través de la descalificación y descrédito de denuncias, la creación de gabinetes de guerra y el uso de estrategias de negación como la negación del pasado, literal e implicatoria.

Palabras clave: Empresa y derechos humanos. Abstenção de responsabilidad. Neutralización de denuncias.

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INTRODUCTION

Equal rights is an issue that has been discussed over time for many years. The Declaration of Independence in the US includes unalienable rights to life and liberty (Sen, 2004). However, only throughout the twentieth century, the struggle for social rights gain strength due to the Holocaust in the Second World War, highlighting the need for greater state regulation to ensure fundamental rights. This effort culminated in the creation of the United Nations (UN) in 1945 and the elaboration of the Universal Declaration of Human Rights (UDHR) in 1948 (Hoover, 2013; Muchlinski, 2001).

The advance of discussions on rights encouraged, in the 1970s, accusations of multinationals supporting and participating in human rights violations, which fostered the debate on corporate accountability (Kobrin, 2009; Scherer & Palazzo, 2011). Globalization solidified the influence and presence of multinationals in places of regulatory weaknesses and attractive economically to corporate interests (Weissbrodt & Kruger, 2003; Wood, 2012). Companies created branches and work opportunities in different places. However, investment decisions have aimed for benefits, tax incentives, and cheap labor (Medeiros & Silveira, 2017). In the global context, corporations get away with violating human rights (HR) – even if only in one region – and move to other locations where they are received without questioning the damage caused by their actions.

Some of the emerging themes in the field of business and human rights (BHR) are the UN's Sustainable Development Goals (SDG), with studies that relate HR to the goals; topics on how investors can influence companies, and how actors should be concerned with HR in their activities; the political role of businesses and its influence in decision-making that consider HR; and the careful use of technology, considering HR in its development and use, to guarantee their “ethical purpose” (Deva, Ramasastry, Wettstein, & Santoro, 2019). Recent discussions regarding BHR in Brazilian literature on organizational studies address the participation of businesses, business associations, and public agents, among other groups, in HR violations in the country's civic-military dictatorship (Costa & Silva, 2017, 2018), and the companies political-social role and their duty to respect towards and avoid violating HR (Barros, 2018).

Corporations were considered global players whose power and influence must be questioned, considering the latent topics around HR and given the cases of corporate irresponsibility and the low levels of corporate actors' accountability. It is corroborated here that “[...] businesses have a negative duty to prevent human rights violations in their operations and their supply chain, and a positive duty, when possible, to help protect victims and remedy third party violations” (Santoro, 2015, p. 155, our translation). Thus, to understand the sociopolitical role assumed by multinationals and the consequences of corporate irresponsibility, this article will analyze the attempts of companies to neutralize allegations of HR violations.

This study adopted the BHR literature and explored businesses' practices to abstain from and deny responsibilities towards fundamental rights. Also, we gathered institutional documents and secondary sources to form the research corpus. The thematic analysis (TA) was used since this method helps identify, analyze, and offer a detailed description of qualitative data, requiring the researcher to be aware of their positions while conducting the study (Braun & Clarke, 2006).

This article is divided into five sections, including this introduction. The next section presents the literature on BHR, providing a brief history of existing discussions and of corporate practices of complicity and abstention from responsibility. The methodology is then described, explaining the approach, the formation of the research corpus, and the technique for analyzing the material gathered. The fourth section presents the results, followed by the fifth section with the final considerations, contributions, limitations, and suggestions for future research.

BUSINESS AND HUMAN RIGHTS

The field of business and human rights (BHR) is consolidated in three phases: the first, between 1970 and 1980, did not emphasize human rights (HR). It consisted of initial discussions on corporate social responsibility (CSR), the responsibilities of organizations with labor rights, and disinvestment in authoritarian and segregationist regimes. The second phase, in the 1990s, presents accusations of HR violations by multinationals and the difficulty in holding them responsible for damages. Finally, the third phase started in the mid-2000s with the mandate of John Ruggie as UN Secretary-General's Special Representative for Business and Human Rights, and the formalization of a non-binding instrument establishing the nations' duty to protect HR and the counterpart of companies to respect HR (Roland, Aragão, Angelucci, Duque, Galil, & Lelis, 2018; Wettstein, 2012a; Wettstein, Giuliani, Santangelo, & Stahl, 2019).

This article focuses on the second and third phases, more recent, which emphasize discussions on the responsibility of multinationals – global players – to respect HR. In the 1990s, society already observed reflections of corporate irresponsibility with the cases of Union Carbide in Bhopal and the role of multinationals in the racial segregation regime in South Africa (Wettstein et al., 2019). Such examples show the effects of globalization, companies' engagement in authoritarian regimes, the complicity and favoring of organizations that benefit from violations in their supply chains (Kobrin, 2009; Wettstein, 2012a).

In business engagement, Wettstein (2010, 2012b) indicated the existence of two forms of active complicity (direct and indirect) and two forms of passive complicity (beneficial and silent). Direct complicity concerns the active collaboration of organizations in the occurrence of violations; indirect complicity refers to events where the organization's contribution is veiled (Wettstein, 2012b). As for passive complicity, beneficial complicity occurs when there are organizational benefits in violations, and the company does not directly support the event. The **silent complicity** is classified in **omission requirements** (organization's failure to protect and side with the victims of violations) and the **legitimization requirement** (the corporate agent does not prevent the occurrence and/or encourages the condition of disrespect to HR, becoming an endorser) (Wettstein, 2012b). Cases of corporate engagement in violations reinforced the need for global HR initiatives, and this phenomenon led to the third phase of the BHR field, with the creation of John Ruggie's position at the UN (Wettstein, 2012b).

Thus, the third phase attempts to approach and intensify debates about the importance of more attentive action toward HR by organizations globally and establishing rules for the relationship between companies and HR. This fact fostered the emergence of the BHR field as distinct from CSR, with multidisciplinary characteristics and a growing number of initiatives and debate forums (Wettstein et al., 2019). In this third phase, the international law followed three directions, pointed out by John Ruggie after the initial consolidation of his mandate as UN Secretary-General's Special Representative for Business and Human Rights: to encourage states to horizontally and homogeneously promote, regulate, and judge corporate actions harmful to HR; encourage adherence to initiatives beyond individual corporate responsibility with the integration of multiple *stakeholders*, aiming to achieve innovative solutions; and promote dialogue between human rights legislation and social demands, and trigger changes in organizations' behavior (Ruggie, 2007).

For Santoro (2015), BHR is an interdisciplinary field anchored in business ethics, law, and social sciences, aimed at social and economic justice through the involvement of multiple actors. Its defenders seek to hold companies accountable for their actions when they harm or violate HR, making them responsible for prevention and remediation. In general terms, the definition of BHR varies and is unclear. The divergence lies in positive or negative terms: positive terms describe responsibilities, duties, obligations of companies towards HR, while negative terms refer to issues of corporate misbehavior, contribution, and complicity in rights violations (Schrempf-Stirling & Van Buren, 2020).

In the recent context of the UN's growing concern with HR and the increased number of violations by companies with harmful consequences to management, due diligence in HR became a form of demonstrating ethical, managerial, moral, and social commitment or a promise of business awareness regarding the impact caused (Fasterling & Demuijnck, 2013; Muchlinski, 2012; Ruggie, 2011).

In addition to due diligence, one of the alternatives advocated by HR activists, NGOs, and researchers is establishing a binding HR treaty for companies, which would fix the obligation of participants to respect pre-defined norms, laws, and jurisdictions at the international level (Bilchitz, 2016). The UN Draft Norms project, started in 1998, attempted to propose incisive terms establishing legal obligations for companies and forums that offer redress to individuals and communities affected by non-compliance (Roland et al., 2018). However, the text was strongly opposed and boycotted by business associations, which claimed that it was a violation of business rights and that the responsibility for HR was exclusive to the states (Roland et al., 2018; Weissbrodt & Kruger, 2003). The failure of the Draft Norms, which ended in 2004, was a sign of the **aversion to regulation** and the assumption of practices that prioritize HR through binding treaties (Bilchitz, 2016; Weissbrodt & Kruger, 2003).

In addition to the complicity practices, conducting due diligence, and the aversion to HR regulatory initiatives, some companies seek to abstain from their responsibilities when accused of corporate irresponsibility, as will be presented below.

Corporate practices for abstaining from responsibility

The importance of multinationals' political and economic authority, pulverized by subsidiaries and suppliers, should increase public responsibilities (Kobrin, 2009). Wettstein (2010) points out that multinationals have now become "players" with a presence at different levels of public policy and elaboration of economic rules.

For Hsieh (2017), the responsibility for protecting HR is historically attributed to states, which do not place companies with the moral obligation to protect, respect, and promote HR and do not allow complicity in HR violations. Wettstein (2012b) showed the relations between Shell and the Nigerian government and the use of three conditions to justify their action in local conflicts that resulted in HR violations of the population and silent complicity abstinence from responsibility. These conditions are connection, influence or power, and status.

Zadek (2004) showed that organizations go through a learning curve when accused of HR violations, in which they initially use rhetoric to abstain from HR responsibilities. Then there is a transition period in which more responsible attitudes are taken. The rhetorics are: (a) "it is not our responsibility to fix this situation"; (b) "we will do whatever it takes" (Zadek, 2004). Initially, the companies deny alleging that the complaints are incorrect and unfounded to **discredit the complaints** and **hold partners responsible**, respectively. Companies commonly **mention initiatives**, compliance policies, and demonstration of public commitments assumed to demonstrate good faith and attention to issues raised (Zadek, 2004), remain silent about complaints, or, according to Coraiola and Derry (2019), promote forgetting. More immediately, corporations can benefit from being forgotten by public ignorance regarding reports of violations (Coraiola & Derry, 2019).

Responsibility denial is a form of abstention in three formats, as described by Cohen (1996), namely: (a) **denial of the past**: through a systematic organizational effort to cover up criminal records; (b) **literal denial**: via company actions to hide facts and conclusions that have become public; and (c) **implicatory denial**, when organizations try to negotiate or impose a "rewrite of history" to justify facts and events that have occurred.

In addition to denial, MacManus (2016) describes the creation of "**war bureaus**," together with public relations teams and law firms, to deny complaints through the structured promotion of public defense of corporate reputation. Thus, the tobacco industry got rid of accusations that the sector was aware of the harm caused by cigarettes: with the use of lawyers to hinder access to evidence and research; lobbying, sponsoring groups of journalists and scientists hired to defend the sector; and through disinformation advertising campaigns (Coraiola & Derry, 2019).

METHODOLOGY

This is a qualitative research (Denzin & Lincoln, 2018). The selection of empirical material aimed to reduce the volume of studies examined without affecting the analysis of the *corpus* (Bauer & Aarts, 2002). As for the research objective and object (Bauer & Aarts, 2002), we sought to establish a connection between the global and the local dimensions: corporations with global operations and their presence in one location. In this case, we chose multinationals operating in the Brazilian municipality of Uberlândia-MG, analyzing accusations of human rights (HR) violations. As one of the researchers works in that municipality, access to the information necessary to conduct the research was facilitated.

The identification of companies was performed using the local government's integrated database, considering the year 2019. At the time, 36 multinationals operated in the city. The criteria to delimit the companies studied were: signed the UN Global Compact, an initiative that invites signatory companies to "[...] align strategies and operations with universal principles on Human Rights, Labour, Environment and Anti-corruption, and take actions that advance societal goals" (United Nations Global Compact [UNGC], 2020); and being the target of allegations of HR violations. As a result, nine multinationals were reached: Archer Daniels Midland (ADM), Bayer, Cargill, Carrefour, Cencosud-Bretas, Pão de Açúcar, Inditex, Prosegur and Syngenta.

Several secondary sources were researched to form a corpus, such as (i) publications by companies on allegations of violation cases, such as press releases and public reports on CSR, HR, Codes of Conduct, HR Policies; (ii) local, national, and international press reports; (iii) documents, reports, and news on HR defense movements, unions, blogs, and videos denouncing cases of violations or disrespect for HR; (iv) visual and textual materials made available on the internet that portrays cases of HR violation.

The material totaled 12 press releases, 80 newspaper and news portal reports, 273 pages of reports from environmental organizations and NGOs, 1,711 pages of annual or sustainability reports of the analyzed companies, and 149 pages of corporate policies for suppliers, shopping, and codes of ethics. The audiovisual material had a total duration of 1 hour and 52 minutes and resulted in 49 transcribed pages. The research and analysis period was August 2020 to January 2021.

The selection sought to group homogeneous sources, even though they maintain the differences pointed out in the corpus, which was valuable for analyzing the empirical material (Bauer & Aarts, 2002). The choice to collect different sources resulted in a heterogeneity of the material, which became a limitation during the analysis. The selected material was submitted to thematic analysis (Braun & Clark, 2006), following a deductive approach – literature review – which guided the types of themes or categories and semantics, as it involved the explicit content of the material. The adopted procedures covered six steps: familiarization with the empirical material; initial coding; grouping codes into main themes; review of themes; definition and terminology of themes; report production. All steps were performed manually using spreadsheets and texts using Microsoft Excel and Word, respectively.

RESULTS

The analysis of the empirical material showed strategies adopted by the multinationals studied to abstain from human rights (HR) responsibility and attempts to deny allegations of violations. The familiarization with the material allowed the initial codification, which was maintained by the nature of the identified violation and its association with the companies studied, summarized in Box 1.

Box 1

Types of human rights violations and companies associated with the complaints

Types of violation	Companies
Persecution of union members	Prosegur, Inditex
Precarious and unhealthy conditions (long hours, work similar to slavery and/or child labor, lack of safety items)	Prosegur, Inditex, ADM, Cargill, Carrefour, Cencosud, Pão de Açúcar, Syngenta
Sales of products from environmental preservation areas	Cargill, Carrefour, Cencosud, Pão de Açúcar
Environmental and employee contamination from pesticides	Bayer, Carrefour, Cencosud, Pão de Açúcar, Syngenta

Source: Elaborated by the authors.

In the 1990s, the globalized productive model of multinationals seeking to maximize financial results and reports of labor rights violations worried NGOs, which wanted to expand the scope of corporate accountability throughout the entire production chain (Schrempf-Stirling & Palazzo, 2016). Even with the pressure from nonprofits through public boycott campaigns, dissemination of sector reports to name and shame companies that disrespect HR, the concern with the scope of accountability persists, as many of the allegations of precarious work in various modalities occur in the initial stages of the production chain (Schrempf-Stirling & Palazzo, 2016).

Familiarization with the empirical material allowed the identification of patterns in allegations of violations against HR in the conduct of companies and how they act to abstain from HR and social responsibilities, even when they participate in global initiatives for HR protection. Multinationals often transfer responsibility for irregularities to suppliers, thus avoiding any type of restrictive regulation of their operations (Bilchitz, 2016; Weissbrodt & Kruger, 2003) that impact financial results or that obliges them to support victims of violations.

The literature shows the expansion of business influence beyond the private sphere, while the globalized context has highlighted allegations of HR violations and the inclusion of new actors in the field who are aware of public responsibilities in societal life, such as nonprofits, international organizations, consumers concerned with the production of the goods consumed (Kobrin, 2009; Scherer & Palazzo, 2011). Thus, as a way of publicly expressing the attention towards corporate action for HR and working conditions, the organizations analyzed mention initiatives and partner entities in the areas of HR, environmental preservation, and workers' defense, without pointing out the effective results of the actions (Zadek, 2004).

Literature analysis allowed us to make connections between the actions of the studied multinationals and HR violations. Box 2 presents the definition of the themes of the thematic analysis that express the forms of abstaining from responsibility towards HR.

Box 2

Forms of abstaining from corporate responsibility towards HR and companies associated with whistleblowing

Companies	Mention of supported initiatives	Partner Liability	Consultations on prevention initiatives against HR violations	Silence in the face of complaints	Complicity	Regulation aversion
Prosegur	X			X	X	
Inditex	X	X	X	X	X	
Carrefour	X	X	X	X	X	X
Cencosud	X		X	X	X	
Pão de Açúcar	X	X	X	X	X	X
ADM	X	X	X	X	X	X
Bayer	X			X	X	X
Cargill	X	X	X	X	X	X
Syngenta	X			X	X	X

Source: Elaborated by the authors.

The forms “mention of supported initiatives,” “complicity,” and “silence in the face of complaints” are present in all analyzed cases. The companies point to **supported initiatives** as a demonstration of attention to a particular theme: Carrefour and Pão de Açúcar support InPacto¹; ADM and Cargill mention the Moratória da Soja²; Inditex and Cencosud consult the “dirty list”; Prosegur cites the European Labor Council; Syngenta indicates the Soja+Verde project; and Bayer, the Safe Use Ambassador, to provide training to students and producers on safe product handling (Bayer, 2020; Campos, 2019; Coppola, 2020; Prosegur, 2019; Syngenta, 2020a, 2020b).

Inditex adopted the **accountability of partners** and suppliers when caught using labor in conditions similar to slavery and for the dismissal of unionized workers (Campos, Huijstee, & Martje, 2015; Inditex, 2020). Carrefour and Pão de Açúcar blamed partner slaughterhouses for selling meat to producers on the “dirty list”; however, the companies claimed to verify the document before signing a deal (RepórterBrasil, 2019). ADM and Cargill held partners responsible for working conditions on cocoa farms described in the documentary *Darkside of Chocolate* (Mistrati & Romano, 2010, online). In a joint note, they stated: “The vast majority of cocoa farms do not belong to companies that make chocolate or supply cocoa, and therefore we have no direct control over cocoa-growing and labor practices. The industry is not responsible for these conditions”. However, multinationals have supply contracts with strict quality and production standards, and these companies abstain from responsibility.

In line with Zadek (2004), **database consultations** and **prevention initiatives against HR violations** are ways to justify public commitments to environmental and worker protection. They were used by Carrefour, Cencosud, and Pão de Açúcar; by ADM and Cargill, from agribusiness; and by Inditex textile. Hypermarket networks, ADM, and Inditex cited consultations to the “dirty list” prepared by the Ministry of Economy, and Cargill uses and encourages its partners to obtain the Rural Environmental Registry (ADM, 2019; Cargill, 2017; Carrefour, 2019; Cencosud, 2018; Grupo Pão de Açúcar [GPA], 2020).

Prosegur and Inditex used regulatory weaknesses to undermine employee conditions and union performance, benefitting from violating the right to free association (Khambay & Narayanasamy, 2020; UNI – Global Union, 2013). Companies should not adopt **silencing** in cases of HR violation (Wettstein, 2012b), nor should they refrain from issuing positions on allegations in official press releases. Prosegur is silent in the face of the accusations. Carrefour, Cencosud, and Pão de Açúcar did not remedy victims when their suppliers were caught offering unhealthy and precarious jobs with low pay and, in some cases, labor conditions similar to slavery (Campos, 2019). The agribusiness companies ADM, Cargill, Bayer, and Syngenta, were also silent in the face of allegations of child labor (Mistrati & Romano, 2010), pesticide contamination of people (Grigori, 2020), and watercourses, respectively (Gaberell & Hoinkes, 2019).

Complicity is evident with the legitimization and omission. When companies remain silent in the face of complaints, are aware of practices that violate HR by commercial partners, and do not act, they become accomplices. Consequently, they become endorses when allowing fundamental rights to be violated and not offering any support to victims. Prosegur and Inditex (and suppliers) benefited from the violation of the right to free association when they fired union members who denounced precarious working conditions and did not offer any form of support to workers (Khambay & Narayanasamy, 2020; UNI – Global Union, 2013). Similarly, retail chains benefited from temporary contracts in fruit production to reduce costs, subjecting workers to food insecurity and constant fear of layoffs (Greenpeace, 2015, 2019; Wenzel, 2019). The agribusiness companies ADM and Cargill became accomplices when aware of the precarious conditions in cocoa production using child labor, denied the facts, and did not offer reparation to the victims. Contrarily, they sought to postpone the implementation of commitments made with the SDGs of the United Nations and with countries (Mistrati & Romano, 2010). The commercialization of pesticides is central to Syngenta and Bayer, who, even aware of their risks to human health, prevent victims from accessing reparation through legal proceedings (Gaberell & Hoinkes, 2019; Grigori, 2020).

¹ Nonprofit whose mission is “[...] to promote the prevention and eradication of slave labor in the production chains of national and international companies” through collective solutions between the state, companies, and civil society (InPacto, 2021, our translation).

² Commitment signed by companies from the Brazilian Association of Vegetable Oil Industry (ABIOVE) and the National Association of Cereal Exporters (ANEC) not to buy, after 2006, soy from areas in the Amazon that were deforested after 2008 (Associação Brasileira da Indústria de Óleos Vegetais [ABIOVE], 2014).

Aversion to regulation by retailers Carrefour and Pão de Açúcar was observed in the sale of products from environmental preservation areas. Both stated that they prefer to develop internal policies and controls instead of making public commitments regarding action and relationships with suppliers (Wenzel, 2019). Bayer and Syngenta used lobbying to defend their interests and avoid regulation, as did Cargill and ADM, who signed a memorandum of intent as an alternative to avoid legal restrictions on the cocoa trade (Articulação dos Povos Indígenas do Brasil [APIB], 2019; Mistrati & Romano, 2010).

Box 3 synthesizes the attempts to deny and neutralize allegations of HR violations by the analyzed multinationals, built based on the analysis of the literature, the empirical material, and the completion of the stages of thematic analysis.

Box 3
Attempts to deny and neutralize allegations of human rights violations

Attempts to neutralize allegations of HR violations	Companies
Denial of the past	Prosegur, Inditex, Bayer
Literal denial	Prosegur, Inditex, Carrefour, Pão de Açúcar, ADM, Bayer, Cargill
Implicatory denial	Prosegur, Inditex, Cencosud, Bayer, Cargill
War cabinets	Bayer, Syngenta
Discrediting complaints	Inditex, Bayer, Pão de Açúcar, Cencosud, Cargill

Source: Elaborated by the authors.

Attempts to **deny responsibility** via disqualification and silence in the face of allegations indicate that Prosegur sought to forget about the events (Coraiola & Derry, 2019) as a way of abstaining from responsibility. Prosegur's denial can be understood as **literal denial** in the case of summoning workers contaminated with coronavirus to return to their posts and persecuting union members who denounced the precarious working conditions of the watchman (Cohen, 1996). While in a note the company claims to be "[...] fully complying with the protocols of the Ministry of Health and the WHO, with the removal of employees diagnosed with COVID-19," Prosegur shifts the focus of the complaints to hide its misconduct (**denial of the past**) and presents an **implicatory denial** "rewriting history" when it claims to comply with the determinations of the health authorities that contradict the company (G1Bahia, 2020).

Inditex **discredited the complaints** by questioning the validity of instruments to combat work in conditions similar to slavery as a strategy of abstaining from responsibility. This means that the validity of an instrument for the protection of workers became more important than protecting them against violations (Ojeda, 2014). Like Prosegur, Inditex pursued union members who denounced the company's anti-union positions amid the pandemic, causing layoffs of workers, especially **union members** (Khambay & Narayanasamy, 2020; UNI – Global Union, 2013).

Inditex used strategies, described by Cohen (1996), of **denial of the past and literal denial** when it tried to hide evidence of HR violations through the payment model and control of supplier companies and the displacement of production to locations with a lower incidence of labor inspections (Rolli, 2015). Also, as **implicatory denial** through their spokespersons and lawyers, who sought to impose a new version of serious HR violations, challenging the validity of mechanisms to combat slavery-like work, such as the "dirty list" (Ojeda, 2014). As for business performance, Coraiola and Derry (2019) point out that organizations can promote social oblivion of corporate misconduct. In the event of an employee's death during working hours, Carrefour concealed the worker's body to keep the store in operation and used its hierarchical structure to reinforce the decision in front of its employees. After the great repercussion on social media, adopting the strategy of naming and shaming the company's behavior (Schrempf-Stirling & Palazzo, 2016), the organization recognized the mistakes when dealing with the case. It created a protocol for closing the stores for similar events, which suggests changing conduct (Zadek, 2004).

Carrefour and Pão de Açúcar used **literal denial** (Cohen, 1996) by presenting internal controls and policies to attest to the reliability of the origin of the meat sold and the economic gains with the opening of jobs in fruit production. They try to demonstrate concern with HR and UN SDGs (Greenpeace, 2015, 2019; Wenzel, 2019). However, according to the empirical

material analyzed, the reality is different from that announced by retailers. Cencosud initially denied and later tried to **discredit the allegations** that a partner slaughterhouse acquired meat from farms fined for work in conditions similar to slavery (RepórterBrasil, 2019).

In the accusations against ADM and Cargill, the joint note of the companies is a demonstration of denial of responsibility (Mistrati & Romano, 2010). In the case of reports of work similar to slavery in coffee farms linked to Syngenta, inspections found unhealthy conditions, precarious accommodation, workers without access to water and toilets. Syngenta did not acknowledge the facts and did not adopt measures to protect and respect HR, nor did it offer reparation to the victims; on the contrary, the company tried to rewrite the facts according to its interests.

Bayer's denial attempts are in the documentary produced by CBC News (Fournier & Shochat, 2019). The documentary shows the three types of denial proposed by Cohen (1996). The **denial of the past** is observed in the effort to cover up the results of the research commissioned by the company, which, despite suggesting future studies with glyphosate due to the likely harm to health from exposure to the product, the company chose not to report the results to health authorities. **Literal denial** is verified when internal communications published "scientific works" without the effective participation of authors, and Bayer denies the allegations when such practices were disclosed, claiming that there is a consensus on the safety of glyphosate, contrary to previous research. The **implicatory denial** occurred when it used **war cabinets** to impose a narrative favorable to the company, composed of scientists, journalists, and lawyers paid to defend its interests and products.

After restrictions imposed by regulatory agencies on the use of pesticides in the European Union, Syngenta used the same logic as Inditex of transferring production units to locations with less inspection and more flexible legislation. According to Public Eye, the expansion of the market to regions with less legislative protection is due to the stagnation of the pesticide market and growing regulation in the European Union and the USA due to the damage caused by these products (Gaberell & Hoinkes, 2019). Faced with the impossibility of marketing many pesticides in Europe, the company sent products to countries with regulatory weaknesses, maintaining its profits (Brazil, for example, was responsible for 18% of the pesticide market in 2019) (Gaberell & Hoinkes, 2019). The company attributes the banning of products in some countries to the politicization of the pesticide registration process and argues that the danger of toxic substances is only due to the amount of use, making use of disproportionate comparisons in defense of the use of pesticides. Syngenta seeks to rewrite a narrative by comparing pesticides and products accessible and socially consumed at safe levels by issuing this position.

Syngenta used **war cabinets** to neutralize allegations about the dangerous use of pesticides (MacManus, 2016). The company used institutional communication (created a blog for the defense of chemical products on its website), lobbying, and disinformation supported by researchers and entrepreneurs linked to the sector who defend the use of pesticides based on their benefits, disregarding potential damage. A demonstration of the new role played by multinationals is the ties created with the countries' policies. Brazil is one example. The ruralist parliamentary group, linked to agribusiness, counts on many deputies (APIB, 2019). Bayer and Syngenta claimed to encourage independent audits of their products to certify their safety; however, they sponsored organizations that promote scientific misinformation (Fournier & Shochat, 2019; Gillam, 2019; US Right to Know, 2018).

The results indicated a gap between the practices of multinationals and the public commitments assumed with HR since both the companies' financial results and the countries' economic growth are used as justification for maintaining harmful practices to society and the environment.

FINAL CONSIDERATIONS

This research aimed to analyze the companies' attempts to neutralize allegations of human rights (HR) violations. The complaints analyzed reaffirm the corporate irresponsibility towards HR and the ability of businesses to remain unpunished through various mechanisms, often featuring a discursive game of promises that will not be fulfilled because they impact the profit accumulation.

The theme of business and human rights (BHR) is closer to Organizational Studies, which have recently been critical of management, corporate misconduct, and the restriction of rights (Medeiros & Silveira, 2017; Oliveira, 2015). Also, the Organizational Studies have fostered discussions of HR literature, for example, the managerial practice of organizations and its consequences in society. Through a critical perspective on administration and empirical material, the research presented contributions in the social and practical dimensions by showing how multinationals, even aware of gaps in their supplier networks, act in a harmful way for financial results and market share since they not only abstain from accusations of rights violations but also deny them. Thus, it was possible to elucidate the strategies used, the response patterns, and the contradictions between the practice and the commitments assumed with the HR and the United Nations SDGs.

Despite the economic impact of organizations, monitoring and punishing them for not respecting HR are still fragile actions, transferring the costs of companies' harmful behavior to the working class. Thus, society needs to understand how companies and managers act when faced with allegations of disrespect for HR. The fact is that multinationals operate in regulatory gaps (Nolan & Taylor, 2009; Wettstein, 2012b), using their power and influence to deny responsibility for allegations of violations. This issue should be central in international legislation for the accountability of corporations, as the regulatory models of peripheral countries are not able to provide effective solutions to victims of violations.

In the theoretical sphere, although there are studies on attempts to neutralize complaints, the research contributes by empirically analyzing cases of global *players* that act locally, introducing a relationship between corporate power and influence and impunity for HR violations. Besides confirming previous studies, the research found glimpses, albeit in an embryonic form, of an attempt to neutralize the accusations by discrediting them, questioning their veracity. In addition, the research expanded the national literature on BHR, as it brought emerging discussions such as the sociopolitical role of multinationals with HR and the UN SDGs, the accountability and complicity of organizations in cases of violations of HR, the history and origins of the HR and its proximity to CSR.

As practical implications, the research explored how multinationals established in the Brazilian municipality of Uberlândia are associated with violations, benefiting from them even though they are geographically distant from the reported cases. The academic discussion of these reflexes can take place through comparison between business discourse and practice and the consequences after violation cases (Hadiprayitno, 2017; Schrempf-Stirling & Wettstein, 2017); the issue of corporate accountability for misconduct, and complicity (Nolan & Taylor, 2009; Wettstein, 2012b), the theme of the struggles of silenced local populations (Strouss, 2019); the environmental issue and HR procedures as due diligence processes (Fasterling & Demuijnck, 2013; Kamminga, 2016).

As for limitations, sources heterogeneity is a noteworthy weakness in this study as each material was prepared with a purpose and context. Therefore, establishing connections among sources in this study was challenging. Although the *corpus* was built with institutional documents, much of the material comes from secondary sources, such as newspaper reports, nonprofit reports, and videos, which invariably represent the editorial position of the materials' authors. Another factor to be highlighted is the difficulty of accessing sources with an HR perspective on widely circulated press vehicles, as HR violations are often not perceived as disrespect for individual rights or are naturalized in society.

As research suggestions, we point out the need for studies that establish relationships between the corporate discourse of HR described in institutional documents and the initiatives supported by the companies; research that shows how organizations face the issue of HR; evaluations of the effectiveness of reparation policies for victims of HR violations. It is also opportune to evaluate HR initiatives carried out by multinationals in regions linked to agricultural activity – such as planting soy, coffee, sugarcane – and mining, and studies involving companies' anti-union actions to verify the performance of unions as a form of resistance.

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