B-Tech Company Community of Practice: *Working Group on Regulatory Developments*

2024 Year-End Review

Overview

In 2021, The B-Tech Project launched the tech company Community of Practice (COP), convening representatives of one dozen large tech companies to discuss implementation of the UN Guiding Principles on Business and Human Rights (UNGPs), including various aspects of Human Rights Due Diligence (HRDD), end-use and remedy. By 2024, the group had expanded to participants representing 18 companies, and in addition to monthly informal drop-in sessions, comprised two thematic working groups. Participants selected the groups they preferred to join, one focused on improving effective Stakeholder Engagement, and another on Technology and Regulatory Developments.

Background

The B-Tech Project COP convened an inaugural session with the "Tech & Reg" working group in early 2024 to discuss the issues and format most useful to the participants. Together the working group participants agreed that the primary objective for this working group was 1) to discuss regulatory developments pertaining to technology company conduct and human rights, 2) to explore company responses to adopted and emerging legislation, 3) to identify challenges in compliance from a UNGPs standpoint, and 4) to support authentic exchange about rights-respecting solutions.

The focus of this working group was intended to scrutinize how the business and human rights lens can inform regulatory efforts to govern corporate conduct in the tech sector, discussing the relevant elements of the UNGPs in existing or upcoming regulation covering corporate conduct. The aim was to understand how "high-level" requirements regarding company conduct in regulatory developments related to digital technologies can be broken down into governance structures, policies, and practices inside companies, such as when it comes to assessing risk to people connected with specific digital products or services.

More specifically, B-Tech sought through the "Tech & Reg" working group to understand how regulatory developments affect internal processes in companies, including the work of human rights teams. The goal was to produce joint learnings from this exchange, enabling B-Tech to share reflections on legislative engagement processes in line with the impact such developments have on the work of human rights teams and their peers seeking to advance human rights within companies. Additionally, there were evolving opportunities to bring key insights from such analysis to the regulator - or those advising legislative drafters. Guiding questions for the working group included:

- What are the major regulatory trends relating to responsible business conduct and human rights relevant for digital technologies? What could be spill-over effects from one jurisdiction to another?
- Which are the synergies between existing and forthcoming regulatory developments, both sector-specific and sector-overarching in terms of responsible business conduct, e.g. with regard to human rights risk assessment processes?

- How can the work of the human rights teams be catalyzed within the companies seeking to comply with regulatory developments? How can we get various teams on board for a better understanding of the UNGPs framework and what human rights mean?
- How can internal conversations about regulation be approached tactically, emphasizing the UNGPs dimension?
- What are challenges in implementing certain requirements on responsible business conduct and human rights relating to digital technologies? Which points need to be taken up with the regulator in this regard, e.g. to seek additional clarification?

2024 Tech & Regulation Working Group

The "Tech & Reg" working group met formally three times in 2024, with one additional session proposed by a COP participating company to discuss challenges and questions around compliance with the European Union's Corporate Sustainability Reporting Directive, or CSRD. This special session (December 5) convened COP company representatives, many of whom are infrequent participants in the Tech & Reg working group, along with a senior advisor at Shift and an expert on the CSRD, which is a reporting tool in compliance with European Sustainability Reporting Standards (ESRS) adopted by the European Commission in its delegated acts.

The WG met for three core sessions:

> Session 1: April 17 – Introduction: an organizing session in which participants elevated the issues they were interested in broaching over the year.
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> Session 2: May 21 Cloudflare-led conversation focused on the US Commerce Department's proposed rule on "Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities," and the company's experience engaging on this and other similar regulation to support alignment with human rights principles.
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> Session 3: October 31 - Presentation by guests from Amazon and the University of St Gallen/InternetLab Brazil which covered the genesis of pending Brazilian AI legislation, including diverse constituencies' interests in the technology and its regulation.
>
> Special session: December 5 - Conversation on the CSRD - which included participants outside of the working group.

The WG also held private consultations with the co-facilitators of the Global Digital Compact (GDC) and representatives of the Secretary General's Office of the Special Envoy on Technology, and discussed strategies to address human rights concerns in the UN Cybercrime Convention. All sessions featured discussions on legislative issues relevant to the CoP participating companies. At the start of the year, participants indicated interest in foundational topics ("how do we conduct risk assessments properly?"), tactical approaches ("can we combine different obligations under similar legislations?"), as well as philosophical approaches to regional or global regulations and how they may differ. Many participants also noted the desire for more tangible analysis of the implementation of tech regulations, including how they will be informed by colleagues in other functions like trust & safety or engineering. However, in the absence of policy expertise presentations from the companies themselves, this working group relied more on B-Tech to provide learning content and advocacy opportunities. B-Tech recognizes this need for future iterations of the working group, and also cautions against assumptions of the "Brussels Effect" and the expectation that European legislation will necessarily be mirrored in related laws in other global jurisdictions.

Looking forward

Initially the intention with this working group was for the participants to self-organize and offer presentations based on examples of questions around the implementation of, or compliance around, specific tech legislation, and the UNGPs perspective on such adherence. One participant volunteered to present, and in the absence of other willing volunteers, B-Tech invited external partners from government and civil society to join and share expertise for additional sessions.

In 2025, participants will again be invited to lead the majority of the presentations; if COP company representatives would prefer that B-Tech organize and schedule the working group sessions, it may require additional resources to augment the team's capacity.

Contact

For additional information about the B-Tech Company Community of Practice please write to OHCHR-b-techproject@un.org. For more information about the B-Tech Project, including past and upcoming activities, please visit the B-Tech project portal.