

Assessing human rights disclosure: An empirical analysis of the oil and gas sector

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Abstract: This paper investigates human rights disclosures based on GRI guidelines in the case of international oil and gas companies. A disclosure index with 26 items was created to meet the research aim to assess the extent of human rights disclosure by firms. This disclosure index checklist was created using GRI principles related to human rights. The annual report for the fiscal year ending in 2020, as well as social responsibility reports (sustainability) and business websites are scrutinized. The study found that the amount of human rights disclosure in the sampled firms is average, and this is a disappointed finding. Based on the Dow Jones Sustainability Indices in 2020, these sampled firms represent leading corporations in the field of sustainability, therefore, the disclosure level of human rights was expected to be higher. As a result, if the level of human rights disclosure in these firms is average, it is reasonable to suppose that the level of disclosure in enterprises outside of this categorization will be significantly lower. This demonstrates that human rights information is still restricted. In addition, the results show that companies focus on good news, such as policies to protect human rights, but completely ignore human rights abuses either by them or by suppliers.

Keywords: human rights; GRI guidelines; oil and gas sector

1. Introduction

In 1948, the United Nations passed the Universal Declaration of Human Rights, considering human rights as rights inherent in our nature as human beings, regardless of place, time, gender, race, origin, colour, religion, language or other (UNGA, 2011). In respect of these rights, international human rights bodies such as the Organization for Economic Co-operation and Development (OECD), the International Labor Organization (ILO), the Global Reporting Initiative (GRI) have agreed that the business sector plays a major role in protecting human rights, and that companies must respect the social, cultural and economic rights, whether they be of their employees, the society or the world at large. As a result, violations of these rights are seen as crimes by both the world and national communities. The number of actions done by these entities to assist firms serve the purpose of upholding human rights. GRI, for example, has produced several sustainability standards, including GRI 412, GRI 414, and other human rights principles.

Furthermore, the United Nations Guiding Principles on Business and Human Rights were released in 2011 to minimize the occurrence of human rights violations by businesses. Businesses attempted to implement the principles, and governments aided them by enacting a variety of programmes to ensure businesses' commitment to human rights. Transparency and disclosure are two crucial measures that the international community has agreed to take in order to ensure that corporations respect human rights (Hess, 2019). Despite the importance of disclosure as a form of reciprocal engagement between the corporation and stakeholders, there is a controversy among researchers about the disclosure of human rights. Some consider disclosure an accountability method to assess the extent to which companies respect human rights, the policies they follow, and how these are managed (Preuss & Brown, 2012). Meanwhile, Merkl-Davies and Brennan (2007) and Hooghiemstra (2000) are of the opinion that companies use human rights disclosure to enhance the company's image only by conveying its performance in the field of human rights and concealing related violations.

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In recent years, the extent of corporate social responsibility disclosure has risen through social responsibility or sustainability reports. Human rights disclosure as part of sustainability, on the other hand, is still uncommon (Chetty, 2011; McPhail & Ferguson, 2016). As a result, according to Brink et al. (2022), sustainability reports do not adequately disclose human rights. According to Cahaya and Hervina (2018), the number of studies concerned with human rights has increased in recent years, and as a result, certain journals, such as *Critical Perspectives on Accounting*, have released special issues on the subject. Since there is a dearth of empirical research in the field of human rights disclosure, this study asks whether companies in the oil and gas sector, one of the sensitive industries that has seen numerous violations over the years and is still recording them today, are disclosing enough information about human rights (Olsen et al., 2022).

This study has found that the amount of human rights disclosure in the sampled firms is average, which is a disappointing finding. Since, based on the Dow Jones Sustainability Indices in 2020, these sampled firms represent leading corporations in the field of sustainability, therefore, the disclosure level of human rights was expected to be higher. As a result, if the level of human rights disclosure in these firms is average, it is reasonable to believe that the level of disclosure in enterprises outside of this category will be significantly lower. This demonstrates that human rights information is still restricted. In this light, this study offers many theoretical and empirical contributions. First, previous studies demonstrated the lack of empirical data in the field of companies' attitudes to human rights. Therefore, this study contributes to an increase in the number of applied studies on the investigation of human rights disclosure. Second, investigating human rights concerns creates awareness of the need of respecting human rights, not just among corporations but also among stakeholders, and reinforces that disclosure is an essential method to convey respect, thereby encouraging firms to pay attention to human rights disclosure. This study is organized as follows. Firstly, in the theoretical part, the study focuses on theories that explain firms' reasons for reporting human rights such as legitimacy and stakeholders' theories. Also, the findings of prior literature in the subject of human rights disclosure, in general, and in the oil and gas sector, specifically, are discussed. Secondly, the data and technique utilized in the analysis are described. The findings are then discussed and evaluated in the paper. Finally, we conclude the results and provide recommendations for future research in the last section of the study.

2. Theoretical framework

2.1. Theories

Companies' social and environmental disclosure is based on a variety of theories in the literature, the most prominent of which are the legitimacy and stakeholder theories. The legitimacy theory is characterized as an unspoken agreement between businesses and the communities in which they operate (Sani, 2018). That means that companies must exert good influence on the society according to this agreement (Castelo Branco & Lima Rodrigues, 2006). In other words, organizations' legitimacy is derived from society, and so if a company's performance is not in the best interest of the society in which it works, a legitimacy gap occurs (Donaldson, 1982). If the company violates this implicit social contract, the society may impose punishments, including the revocation of the employment permit (Tilling & Tilt, 2010). Thus, it is critical for businesses to uphold their social contracts in order to maintain their legitimacy and, therefore, their survival in society.

As a result, some believe that social and environmental disclosure is a reaction to societal demands on organizations to gain legitimacy, as firms demonstrate the soundness of their attitude toward society through their disclosures (Deegan, 2000; Deegan et al., 2002). Many researchers, including Kilian and Hennigs (2014); Liesen et al. (2015); Milne and Patten (2002); Nègre et al. (2017), and Patten and Zhao (2014) have presented empirical evidence that businesses want to seem legitimate by disclosing non-financial information. Because human rights disclosure is a component of social and environmental disclosure, several empirical studies have documented that revealing human rights improves an organization's credibility (Mohamed Zain, 2004). Furthermore, concerning the mining industry, Azizul Islam et al. (2017) stated that, in order to preserve legitimacy, firms with activities in high-risk countries must publish more extensive human rights performance data than others. Citing the

growth in human rights violations in the oil and gas industry (Wheeler et al., 2002), Lindsay et al. (2013) noted that human rights disclosure gives proof that firms respect human rights and adopt the UN Guiding Principles in order to achieve legitimacy.

Addition to legitimacy theory, stakeholder theory also supports social and environmental disclosure to satisfy stakeholders. According to Deegan (2009) and Gray et al. (1995), there are two viewpoints to stakeholder theory: one of this focuses on organization and management, and the other focuses on accountability, where disclosure of sustainability is linked to the accountability of stakeholders who have the right to obtain information about the company's activity and its effects on their interests. As a result, according to the stakeholder theory, the company must identify internal and external stakeholders, and despite the fact that stakeholders' interests differ, the company must recognize and work with these differences, and disclosure is seen as a major denominator of managing all stakeholder interests (Henderson et al., 2004). Empirically, in a study conducted in Indonesia by Cahaya and Hervina (2018), in addition to the poor disclosure of human rights in the oil and gas sector, most of the information is biased, i.e., directed at important or influential stakeholders. In conclusion, all firms, including those in the oil and gas sector, strive to achieve credibility and satisfy stakeholders by respecting human rights and disclosing them (Wahab, 2020; Patten, 1992).

2.2. Literature review on human rights reporting

Human rights reporting and research on the impact of human rights reporting are relatively limited despite the fact that respecting human rights is a commonly accepted commitment by companies (Wang & Li 2015); McPhail & Ferguson, 2016; KPMG, 2017). Frankental (2011) pointed out that human rights indicators are still poor when compared to other environmental indicators, and firms do not focus on human rights reporting or marginalize it in their non-financial reports. Further, companies report human rights issues selectively and exclude problems that have a detrimental impact on stakeholders as a result of lack of accountability (Wahab, 2020). Consequently, international organizations have launched efforts to increase corporations' roles in upholding human rights, such as BHR 2011 and GRI guidelines for Human Rights, and they believe that human rights disclosure demonstrates a company's commitment to these rights. Despite the limitations of previous studies that examined companies' disclosure of human rights, there has been an increase in interest in this type of studies recently (Cahaya & Hervina, 2018). For example, some international journals have issued special issues for studies that address disclosing human rights; such journals include, for instance, *Critical Perspectives on Accounting and Accounting, Auditing, and Accountability Journal*.

Some of the literature that examined human rights disclosure focused on the elements that motivate firms to report human rights. For example, Gray et al. (1996) argued that the major factors for firms to implement human rights disclosure are fulfilling regulatory obligations and pleasing stakeholders. While Mohamed Zain (2004) adds, due to rising pressure from the government and stakeholders, human rights are tacitly reported with social and environmental disclosures to strengthen firms' legitimacy. In a study conducted in Malaysia, Amran and Devi (2007) claim that the purpose of social disclosure, which includes human rights disclosure, is to develop globally and establish long-term commercial connections.

Moreover, some previous research has focused on the level of human rights disclosure by businesses. For example, McPhail and Adams (2016) evaluated 30 Fortune-listed chemical businesses and discovered that these corporations implement the United Nations' worldwide guidelines to respect human rights, as well as they stated growth in the disclosed information on human rights. However, there were flaws in these firms' efforts to stop human rights violations. Furthermore, Rao and Bernaz (2020) examined how US-based Indian companies realistically respect human rights by comparing the human rights impacts of companies in the community in which they operate and how those impacts are disclosed. The study proved that there is still a weakness in both companies' interest in respecting human rights and reporting on them as well. Additionally, among Australian fashion and retail enterprises, human rights disclosure was found to be poor, according to Azizul Islam and Jain (2013).

In the context of the oil and gas industry, Okeke (2021) reviewed 150 reports from oil and gas firms in Europe, America, and Asia, and discovered that European companies place

a higher priority on safety than Asian companies, and that US oil and gas companies still have a long way to go in terms of sustainability. Furthermore, Beck and Toms (2009) stated that companies' interest in disclosing human rights in sensitive industries such as the oil and gas industry is greater than in other industries, and this is due to the oil and gas industry being associated with human rights violations in many countries. The findings of this study agreed in part with a study done on Australian mining corporations (Azizul Islam et al., 2017), which found that human rights performance disclosures by businesses with activities in high-risk countries are much greater than those with operations in low-risk countries. Moreover, Wahab (2020) recognized in a study conducted on Malaysian palm oil companies, that human rights were reported in business reports, but that this disclosure lacked accuracy and depth. This is due to companies' failure to disclose the human rights risks they face, as well as their attempts to manage such risks and the impact of their commercial activities on stakeholders.

As a result, it is possible to conclude that there are inadequacies in research dealing with the disclosure of human rights, particularly in the oil and gas industry, which has documented numerous human rights violations in numerous nations. As a consequence, the study aims to fill this gap by examining international oil and gas companies using human rights indicators approved by the Global Disclosure Initiative. This is justified by the fact that there is only one previous study that used these indicators: this was conducted by Cahaya and Hervina (2018), who studied the factors that influence human rights disclosure in Indonesia.

3. Methodology

The research goal is measuring the level of companies' disclosure of human rights. Therefore, the study's main research question is: How extensive is human rights reporting in the oil and gas industry?

Despite knowing that there are several international human rights standards, this study relies on the Global Disclosure Initiative's criteria (GRI) 2021. The GRI guidelines were used to create the human rights index since they are the primary reference for non-financial reporting (KPMG, 2017). The GRI, on the other hand, is an organization that works to promote corporate sustainability, and some surveys have deemed it one of the most widely used principles in the world since it offers businesses a lot of credibility among stakeholders (Brown et al., 2009).

For numerous reasons, the GRI indicators were chosen to assess the extent of human rights information. To begin with, these indicators were developed through stakeholder participation, in which a large number of stakeholders from all over the world made contributions to the preparation and development of reporting guidelines and benchmarks which making them applicable to all companies worldwide (GRI, 2021). Second, the GRI's reporting guidelines are far more extensive than others, making reports prepared on these guidelines measurable and comparative (Widiarto Sutantoputra, 2009; Vigneau et al., 2015). As indicated in Appendix 1, the GRI standards contain primary groupings that encompass sub-groups that consist of the indicators that must be disclosed. For example, in human rights concerns, there are issues such as child labour, and in this case the operations and suppliers potentially at risk of violations concerning child labour as well as the company's efforts on this concern must be revealed. As a result, and third, this coordination and indexing in the development of reporting standards for each category exempts researchers from developing a coding scheme that embraces a high level of human judgment (Gray & Gray, 2011).

To achieve the research goal and measure the level of companies' disclosure of human rights, a disclosure index consisting of 26 elements was designed as shown in Appendix 1. This index was built based on the human rights indicators adopted by the Global Disclosure Initiative (GRI). The index consists of eight main indicator groups, and each group includes some indicators that must be disclosed according to GRI. The eight indicator groups are as follows: (GRI 406) Nondiscrimination; (GRI 407), freedom of association and collective bargaining; (GRI 408) Child Labor; (GRI 409) forced or compulsory labour; (GRI 410) security practices; (GRI 411) Rights of Indigenous Peoples; (GRI 412) Human Rights Assessment; and (GRI 414) Supplier Social Assessment. In addition to these eight groups, there are sub-groups that generate performance indicators that must be published by enterprises adopting GRI. For example, GRI 412, Human Rights Assessment, has two sub-indicators, the first of which is about operations that have been submitted to human rights assessments, and requires

enterprises to disclose the total frequency and percentage of operations that have been subject to human rights evaluations. The second sub-indicator pertains to employee training, which requires the disclosure of the number of hours of training and the number of employees who have been trained.

The index elements are unweighted for assessing the level of human rights disclosure since all of the index components were given an equal weight to minimize bias in scoring (Meek et al., 1995). As a result, if the item is not disclosed, it receives a score of (0) and if it is disclosed, it receives a score of (1). Many studies in the field of disclosure have backed the unweighted scoring approach because it eliminates subjectivity caused by researcher's prejudice (Kavitha & Nandagopal, 2011). Each firm's maximum disclosure index is 26, and the extent of human rights disclosure is determined by dividing the total scores awarded to the sample company by the maximum number of items on the disclosure index checklist.

Non-financial data, such as human rights, may be revealed in annual reports, although some corporations do so in the sustainability report, while others are content to make specific data available on their websites. This demonstrates that human rights information may be accessed in reports or on a firm's website. Therefore, this research focuses on corporate websites as a source of information, including reports for the fiscal year 2021. Companies' reports and official websites are considered key sources of human rights information since these sources have been demonstrated to be trustworthy by users and stakeholders.

The extent of human rights disclosure by firms was measured using content analysis as a data gathering method. One of the most extensively utilized tools in social science research is content analysis. When compared to other data gathering methods, this method produces accurate and uncontaminated information (Krippendorff, 2018; Guthrie & Abeysekera, 2006; Rao & Bernaz, 2020). With this in mind, all the papers and websites were thoroughly examined and independently classified using the suggested scoring system.

This study focuses on the oil and gas industry for a variety of reasons, including the industry's unique nature as a result of its work in high-risk sites and as part of massive supply chains (Berkowitz & Dumez, 2015; Janz, 2018; Vadlamannati et al., 2021), which causes social anxiety related to the operation of such companies. Furthermore, several empirical studies have revealed numerous violations in this industry (Chowdhury et al., 2021). Therefore, human rights in this sector and their disclosure will provide an important context for comparison between reality and what companies disclose. The study focused on DJSI Industry Leaders, which include the top performing companies in each of the 61 industries represented in the Dow Jones Sustainability Indices in 2020. The research examined human rights disclosure in only 3 leading companies in the oil and gas sector, which is divided into 3 sub-sectors: Oil & Gas Refining & Marketing (Thai Oil PCL); Oil & Gas Storage & Transportation (ONEOK Inc); and Oil & Gas Upstream & Integrated (PTT Public Company Limited).

4. Results

As shown in Figure 1, the three corporations' disclosures are not insignificant. PTT reported 20 of the 26 elements, resulting in a 77% average human rights disclosure. Thai Oil PCL disclosed 14 elements, while the ONEOK Inc disclosed 15 of the 26 items, resulting in a disclosure rate of 53.8% and 57.7%, respectively. The three firms concentrated on reporting the mechanisms they adopted to protect and respect human rights. For example, all three companies declared policies aimed at successfully eliminating discrimination (GRI 406-1.2), as well as steps to effectively eradicate child labour (GRI 408-1-5). In addition to that, they reported measures taken to protect indigenous peoples from human rights violations (GRI 411-1-2). Furthermore, two enterprises disclosed their processes for supporting the rights to freedom of association and collective bargaining (GRI 407-1-2), but the third firm did not reveal any principles connected to freedom of association (GRI 407) as it disclosed it in its GRI index. Furthermore, three enterprises listed the human rights training they offered to their employees. Two companies, for example, disclosed the Security Practices Principle (GRI 410), which has two components: the percentage of security personnel who have been trained in the company's human rights policies, and an examination whether external organizations that provide security personnel adhere to this type of training. While Thai Oil PCL did not say if it

taught security staff to respect human rights, it disclosed the commitment of security companies to such training.

In the same context, companies focused on making sure that human rights are respected with regards to both their operations and employees (GRI 412). For that, the three companies disclosed their operations, which were subject to reviews and assessments of human rights (GRI 412-1). At the same time, only one firm (Thai Oil PCL) did not disclose (GRI 412-2) the number of training hours or the percentage of employees who underwent training in human rights policies. Three firms also indicated an interest in the social assessment of suppliers (GRI 414), as they revealed their strategies for evaluating suppliers and the level of risk, they may suffer in the supply chain (GRI 414-1). However, the relevant information is limited, as the corporations only stated the number of socially appraised suppliers. Nevertheless, the companies did not disclose the rest of the information required by the standard as part of the assessment (GRI 414-2). They did not disclose the negative effects involved in the supply chain or the suppliers that were evaluated and identified as having negative social impacts, or whether these companies kept on working with them or ended the relationships. An exception is Thai Oil PCL, which disclosed all the required information in GRI 414. It is worth noting that the GRI acknowledged the necessity of disclosing any contracts or agreements that contain clauses related to human rights irrespective of whether they have been reviewed or not (GRI 412-3). But this item was not given importance by the sampled companies as it was not disclosed. The exception is ONEOK Inc, which disclosed the number of important investment agreements and contracts that included clauses related to human rights but did not disclose the nature of these important contracts concerning the latter.

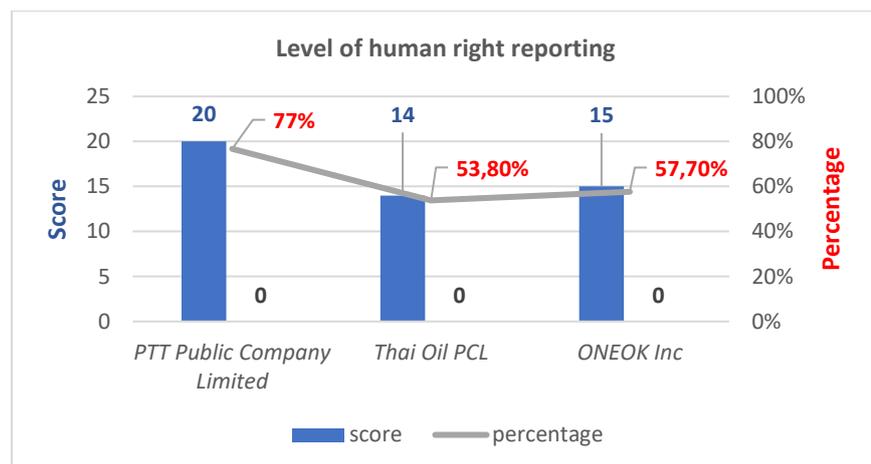


Figure 1. Level of human rights disclosure in sampled firms of the oil and gas sector.
Source: Author's elaboration.

5. Discussion

It is clear from the above that the sampled firms' degree of human rights disclosure is not low. It was expected, however, that the level of disclosure would be greater because the sampled companies represent the top performing corporations in the oil and gas industry in the Dow Jones Sustainability Indices in 2020. This result was in line with some of the findings of other research, like those by McPhail and Adams (2016) and Okeke (2021), who acknowledged that the degree of disclosure is still insufficient despite the increased interest in violations of human rights. Three firms got prizes for their efforts in preserving and upholding human rights based on the examination of companies' websites and reports, three companies received awards in recognition of their efforts in protecting and respecting human rights. For example, PTT Public Company Limited won the award for the best human rights role model for the year 2021 in the governmental institutions sector. Despite this, the level of disclosure of human rights was only 77% and any real or prospective violations were overlooked.

Meanwhile, in 2021, Thai Oil PCL has had a defined policy to safeguard human rights in its operations and value chain since 2015, and it also publishes a separate human rights report, although this only disclosed 53.8% of information. Furthermore, although basing its

annual report on the GRI principles, Thai Oil PCL overlooked several of them, such as those relating to child labour, and its human rights disclosure focused more on its operations and value chain. The same can be said about ONEOK Inc, which had a poor degree of human rights disclosure (57.7%). Although it stated in its sustainability report that it adopts policies to protect human rights and bases its report on the GRI, it also focused on primarily what it provides to its employees, ignoring the disclosure of risks it faces related to human rights. ONEOK Inc acknowledges in its report that operations in the oil and gas sector are high risk. However, it did not disclose the nature of these risks, the extent of their impact on human rights, and the measures they follow in the value chain to avoid these risks.

As a result, as it is in the firms' best interests to disclose their participation in attaining sustainability and their human rights policy. Human rights disclosure, on the other hand, continues to miss environmental and social disclosure. Not only that, but businesses are attempting to convey their responsibility and practices in supporting and preserving human rights while concealing the violations that have occurred or are expected to occur, whether these violations from are carried out by them or their suppliers. This finding is consistent with previous studies such as ones by Wahab (2020) and Amran and Devi (2007), where businesses disclose information about human rights in a manner that serves their interests and establishes their legitimacy with stakeholders.

6. Conclusions

In conclusion, despite the current interest in environmental and social disclosure, human rights disclosure has gotten little attention. As a consequence, previous studies focused on environmental and social disclosure in general, but there are still limitations in studies that looked at human rights disclosure, particularly in one of the most contentious industries, i.e., oil and gas, due to the special nature of its operations and its rich history of rights violations (Olsen et al., 2021). Therefore, this study sought to investigate the level of human rights disclosure based on the human rights principles issued by the GRI and focused on the top 3 companies in the oil and gas sector based on the Dow Jones Sustainability Indices in 2020. Sustainability reports, annual reports, and companies' websites were examined to determine the extent to which companies disclosed human rights. The study found that the amount of human rights disclosure in the sampled firms is average, which is a disappointing finding. Based on the Dow Jones Sustainability Indices in 2020, these sampled firms represent leading corporations in the field of sustainability, and therefore the degree of disclosure of a key factor such as human rights was expected to be higher. As a result, if the level of human rights disclosure concerning these firms is average, it is reasonable to assume that the level of disclosure in enterprises outside of this categorization will be significantly lower. This demonstrates that human rights information is still restricted. In addition, the results show that companies focus on good news, such as policies to protect human rights, but completely ignore human rights abuses either by them or by suppliers.

Like all empirical research, the results of this study should be viewed in the light of its limitations. The study's sample size and selection constitute its limitations. As only three companies in one sector are the subject of this study, the findings cannot be generalized. Second, there are other global human rights standards, but the study only pays attention to the GRI standard. With a view to this, the study recommends conducting more research to widen the study's sample and also advocates comparing the findings across other industries and nations.

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