Businesses’ Measurement and Tracking of Responses to Adverse Human Rights Impacts

Alan S. Gutterman

Principle 20 of the Guiding Principles provides that to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. It goes on to require that tracking should be based on appropriate qualitative and quantitative indicators and draw on feedback from both internal and external sources, including affected stakeholders. The measurement and analysis involved in the tracking phase of human rights due diligence is essential to managing the process and makes companies accountable for their performance, provides the information necessary to communicate internally and to external stakeholders regarding the scope and effectiveness of their efforts to respect human rights, and helps in identifying trends and patterns, including repeated problems, that need to be addressed through systematic changes in policies and processes.1

While tracking and measuring performance is usually a well-established practice for most companies that have been in business for some period of time, surveys indicate that the “tracking of responses” component of human rights due diligence set out in Principle 20 of the Guiding Principles is particularly weak among large corporations operating across several industries.2 According to the Global Compact Network Netherlands, Oxfam, and Shift, tracking effectiveness of company responses to adverse human rights impacts requires building understanding that measuring human rights performance often has strong qualitative elements; developing company-specific indicators; tracking performance of suppliers and other business relationships, recognizing the limitations of auditing alone; verifying performance, including by considering perspectives of affected stakeholders; and committing to continuous improvement.3

2 Background Note: “Corporate human rights due diligence—Identifying and leveraging emerging practice” (UN Working Group on Business and Human Rights, April 2018), 4-5. The referenced assessments included the 2017 Corporate Human Rights Benchmark (https://www.corporatebenchmark.org/) (focusing on companies involved in the agricultural products, apparel and extractives sectors); “Human rights reporting: are companies telling investors what they need to know?”, available at https://www.shiftproject.org/resources/publications/corporate-human-rights-reporting-maturity/) and a study by Vigeo Eiris (http://www.vigeo-eiris.com/the-human-rights-responsibilities-of-business-in-a-changing-world/) (an assessment of more than 3,000 companies headquartered in 35 countries on “the degree to which listed companies around the globe commit and act to respect and promote, and prevent violations of, fundamental human rights, employees’ labor rights and non-discrimination at work in both their operations and their supply chain”).
One person or group, overseen by senior management, should have the primary responsibility for coordinating tracking and measurement of human right impacts across the organization in order to spot trends that may not easily be identified when data is collected locally and disseminate best practices throughout the company. However, the process itself will generally draw on resources from several different groups throughout the organization, including the CSR/sustainability group, which should be taking a lead role in implementing and monitoring compliance with the company’s human rights policy; the internal audit/assurance group, which is responsible for monitoring compliance with all company policies and procedures, including those related to human rights, and evaluating the overall effectiveness of those policies and procedures; the procurement group, which is responsible for contracting with supply chain partners and monitoring their performance with respect to the terms of those contracts, including human rights requirements; and the human resources department, which obviously has primary responsibility for setting and monitoring workplace conditions and executing policies relating to core human rights issues such as discrimination.  

Each of the groups has a special role to play in the process and the metrics that they are asked to track should fit with the issues and risks that are specific to human rights. For example, the procurement group should track the number of orders that are placed late, changed, or cancelled so that an assessment can be made as to whether these actions may have increased labor-related human rights risks among suppliers (e.g., consistently changing orders on short notice may cause suppliers to abuse their workers by requiring them to work overtime to fulfill the orders). In addition, everyone who has contact with affected stakeholders during the course of discharging their operational functions should be sensitized to seek and collect qualitative feedback on matters relevant to human rights impacts (e.g., during meetings and forums with local community members).

Tracking and measurement should be carried out pursuant to a formalized regular schedule, which is often synchronized with the flow of collection of information through existing tracking systems as discussed below. However, tracking should be tied to the potential severity of the human rights risk (i.e., situations involving the highest risk of severe adverse human rights impacts should be prioritized and tracked more frequently). The OECD Due Diligence Guidance for Responsible Business Conduct recommends that prioritization for tracking activities should be aligned with prioritization decisions made in the context of prevention and mitigation (i.e., companies should prioritize tracking of their most salient human rights risks), but that companies should always conduct broad assessments of human rights due diligence processes on a regular basis or when it is clear that significant adverse impacts are not being effectively addressed. The focus of tracking and measurement activities will change along with the company’s operational activities and business relationships. For example, when a company enters a new country directly or through new business relationships, specific human rights issues in that

---

4 Doing business with respect for human rights: A guidance tool for companies (Global Compact Network Netherlands, Oxfam, and Shift, 2016), 77.
6 Id. at 84.
country should be integrated into the tracking and measurement processes. Changes may also be required to take into account issues that may have been overlooked in the past and which come to the company’s attention through grievance mechanisms or notices from outside parties such as non-governmental organizations (‘NGOs’) and civil society organizations.

Developing and Implementing Tracking Processes

Companies can monitor their human rights performance through internal and external audits; grievance mechanisms such as anonymous helplines that can be used by employees and other stakeholders to pose ethics questions and report activities that might violate the company’s human rights policies; employee-management dialogue (including employee surveys that include questions relating to human rights-related issues such as discrimination and engagement); feedback from trade union representatives; health and safety committees; and local human rights assessments. In addition, companies will often be able to leverage tracking systems that have already been established to collect information on activities related to human rights impacts, such as information on health and safety and environmental performance. Companies with business operations in multiple countries should ask their managers in those countries to prepare reports on local human rights conditions and their connection to the company’s business.7 Smaller enterprises do not necessarily need to prepare and use long-form employee surveys since the size of the organization makes it easier for more informal communications to occur on human rights issues. However, all feedback should be collected in a central location and the company should schedule workshops and meetings at which human rights due diligence (and key topics such as discrimination) is one of the main subjects on the agenda.

Integrating human rights metrics into existing systems tracking is a good way to “normalize” attention to human rights. However, companies should not rely solely on the quantitative data that comes from these systems and should supplement that information with qualitative feedback from the persons and groups who are most affected by the activities in order to gather a fuller picture of the human rights impacts. For example, while there are well established and precise international standards for measuring environmental impacts, such as the degree to which a particular operational activity contaminates drinking water supplies (an adverse human rights impact), companies will need to take the necessary steps to ensure that the communities and other stakeholders affected by those activities understand and trust the measures that are being used. Moreover, even if measured performance falls within applicable legal requirements, there may nonetheless be adverse impacts that can only be identified by inspections and engagement with community members.8

7 Doing business with respect for human rights: A guidance tool for companies (Global Compact Network Netherlands, Oxfam, and Shift, 2016), 78.

Copyright © 2023 by Alan S. Gutterman. Information about the author and permitted uses of this Work appears at the end of this Work.
In Practice

Tracking Performance on Combating Child Labor in Supply Chains

The methods used to collect information and track performance relating to human rights impacts should be customized to the particular issue as well as the specific contexts in which the issue is related to the company’s operations and business relationships. For example, if a company has identified the use of child labor in its supply chain as a potential adverse human rights impact, it will need to allocate resources to closely surveil the activities of those suppliers known or suspected to be involved in the problem; gather feedback from workers and their representatives; collect information from suppliers on the steps they have taken to implement corrective plans; and track how actual cases of child labor have been handled. At the same time, the company needs to collect information across all of the countries in which it has business relationships through assessment data, grievance mechanisms, and reports prepared by country managers and credible external sources in order to determine additional steps that need to be taken with all business relationships to address child labor issues and the value of participating in multi-stakeholder initiatives with peer companies, NGOs, civil society organizations and trade unions to address systematic issues.


Selecting Indicators

Companies need to take into account a variety of factors when selecting the appropriate indicators to be used in their tracking processes, including the specific combination of human rights issues they are trying to address; whether there are already well-established indicators for those issues; what data can reasonably be obtained by the company, both internally and from its business relationships; and how easy it is to solicit direct feedback from affected stakeholders. A wide range of standards, indicators, and audit practices have already been established in important areas such as labor rights, environmental impact, and health and safety and there are emerging guidelines in other areas, such as engagement and community development, which are progressing quickly. However, while these standards provide a good starting point, companies must develop a set of indicators that are suited to their particular situation and which takes into account their unique group of potentially affected rights holders and the need to sort out data relevant to human rights impacts (e.g., different impacts on women and men and on members of disadvantaged and vulnerable groups). In addition to the quantitative indicators, companies need qualitative indicators based on engaging with affected rights holders and other stakeholders familiar with the overall situation to accurately interpret the quantitative information (e.g., does a downturn in reports of worker safety issues reflect an actual reduction of such incidents, a lack of faith in the reporting system, or intimidation that causes workers not to use the system).

10 Id. at 55.
Companies should consider recommendations to break out the categories of information that is monitored and reported into the following three types:11

- **Processes/Inputs**: This category covers the processes that the company has in place to conduct its human rights due diligence and provide remedies to affected rights holders. Examples include descriptions of supplier audits and assessment programs, grievance mechanisms, and employee human rights training programs.

- **Incidents**: This category includes the results of monitoring and tracking for instances of negative impacts in the company’s operations and business relationships. For example, the company should track reported instances of discrimination and safety violations.

- **Outcomes/Impacts**: The category seeks to track broader and more systematic effects of the company’s activities on rights holders based on measurements such as wage levels, the health of the communities in which the company is operating, and feedback from affected rights holders regarding the effectiveness of the company’s human rights processes (e.g., the percentage of impacted rights holders who feel that adverse impacts have been addressed and that grievance processes are accessible, equitable, and effective).

A combination of the various types of information and indicators outlined above should be used for each of the human rights issues being assessed and tracked. For example, when looking at the treatment of workers, companies might select some or all of the following process/input indicators: percentage of workers trained on human rights aspects of the company’s code of conduct; percentage of workers who have access to grievance procedures (including through trade unions); the number of human rights impacts assessments that have been conducted by the company; and the frequency of the company’s engagement and consultation with trade unions representing its own workers and with supply chain partners regarding working conditions at their facilities. At the same time, the company should be tracking information on incidents relating to treatment of workers such as the number and breakdown of complaints, as well as all official findings relating to violations of company policies that lead to an adverse human rights impact (e.g., restrictions on employees’ rights of privacy or to participate in trade union activities) and the percentage of the company’s workers who have experienced harassment or discrimination based on results of employee surveys and feedback gathered from trade unions.12

The focus on inputs has been described as a root cause analysis to identify how and why a particular significant human rights impact has occurred in order to gain a better understanding of the steps that should be taken by the company in order to prevent or mitigate its continuation or recurrence. This type of analysis is intended to identify those

---


12 Doing business with respect for human rights: A guidance tool for companies (Global Compact Network Netherlands, Oxfam, and Shift, 2016), 79.
actions, or failures to act, within the company or by parties with which the company has a business relationship that contributed to the impact so that measures can be taken to change behaviors (e.g., adjusting job responsibilities and modifying incentive systems to base rewards on desired actions relating to promoting respect for human rights).\(^{13}\)

It has been observed that while companies are more comfortable focusing on processes, reporting on inputs alone does not provide a full picture of the effectiveness of the company’s human rights due diligence efforts. Similarly, while companies are able to provide quantitative information on incidents with increasingly higher levels of precision, the validity of that data depends on the collection process and, as noted elsewhere in this chapter, organizational or cultural factors may inhibit affected parties from reporting (e.g., workers may fail to report incidents of harassment or safety issues due to fears of reprisals from their managers). Tracking and reporting on outcomes requires new tools such as impact assessments and case studies. However, companies can build outcome assessments into some of their existing tracking activities for the other categories (e.g., tracking not only how many employees are being training but also testing to determine the effectiveness of the training they are receiving).\(^{14}\) Outcomes can also be assessed by comparing measures of incidents across time in order to evaluate whether changes in policies and processes have been effective in lowering the number of incidents and the associated adverse impact.

**Tracking Performance of Business Relationships**

Tracking and measuring performance with respect to human rights impacts of business relationships involves different tools and techniques. With respect to business relationships in supply chains, many companies have relied on what has come to be referred to as “supply chain monitoring programs” that are based on a supplier code of conduct against which the performance of suppliers is compared using self-assessments and audits conducted by the company or an intermediary selected by the company. Audits typically include visits to the supplier’s facilities to inspect working conditions and ask questions directly of managers and workers relating to how operational processes are carried out. If the assessment process reveals violations of the supplier code of conduct that are causing adverse human rights impacts, the company will require the supplier to commit to a time-bounded action plan to address and resolve the problems, the content and duration of which will depend on the specific situation. These monitoring programs, while commonplace and reasonable, have been criticized for being inadequate to address systematic conditions that may prevent suppliers from being able to comply. Companies have been urged to focus on building long-term relationships with suppliers and assisting them in developing the capacity necessary for them to be able to meet and exceed the standards established in the supplier codes of conduct. Companies also need to develop strategies for tracking and measuring performance of other business


\(^{14}\) Doing business with respect for human rights: A guidance tool for companies (Global Compact Network Netherlands, Oxfam, and Shift, 2016), 79.
relationships in their value chains such as customers, joint venture partners, and governmental bodies. For example, companies need to track usage of their products and services by customers to determine if they are being used in ways not intended or anticipated by the company that result in adverse human rights impacts.15

**Feedback from Internal and External Sources**

As noted above, it is important for the tracking process to include qualitative indicators that can provide a fuller picture of how well a company is identifying and responding to the human rights impacts associated with its operations and business relationships. The company must therefore plan on engaging with internal and external sources, including affected stakeholders. For example, employees should have opportunities to provide information that is relevant to the company’s human rights due diligence process through workshops, surveys, and protected reporting channels (i.e., hotlines). External observers, such as governmental officials, NGOs, and civil society organizations, should be contacted to see if they can provide insights on how well the company’s action plans for preventing and mitigating adverse human rights impacts are performing. Affected stakeholders, including employees, should also have access to effective grievance mechanisms and information that is collected during the course of investigating and remediating a grievance provides a valuable tool for improving the company’s human rights policies and practices. Engagement with internal and external sources is an important way for companies to improve their human rights due diligence and demonstrate the credibility of their measurement and tracking systems. Such engagement should be documented in the company’s reports and communications relating to human rights.16

In addition to a company’s own efforts to elicit feedback from internal and external sources, several well-known external initiatives have been launched to measure and track companies’ performance with respect to human rights due diligence including the Corporate Human Rights Benchmark (“CHRB”) (www.corporatebenchmark.org), Shift’s analysis of the maturity of human rights reporting by some of the world’s largest companies based on information collected for the UN Guiding Principles Reporting Database, and a study by Vigeo Eiris covering more than 3,000 companies headquartered in 35 countries that assessed the degree to which listed companies around the globe commit and act to respect, promote, and prevent violations of fundamental human rights. There are also assessments of due diligence approaches that have a more specific industry or issue focus: Know the Chain benchmarks, which focus on forced labor in global supply chains in the information communications technology, food and beverage, and apparel and footwear sectors; Ranking Digital Rights, which covers the largest Internet, mobile, and telecommunications companies; and the Responsible Mining Index and research conducted by the Principles for Responsible Investment relating to

---

15 Id. 80-81.
implementation of key components of human rights due diligence in the extractive sector.17

The CHRB, a not-for-profit company launched as a multi-stakeholder initiative in 2013 to benchmark the performance of various companies against international human rights standards, has developed a methodology based on six Measurement Themes (A to F), each with its own series of indicators: Measurement Theme A focuses on governance and policy commitments; Measurement Themes B and C focus on systems and processes for embedding human rights due diligence; Measurement Theme D focuses on specific practices to prevent human rights impacts in each industry (grievance mechanisms); Measurement Theme E focuses on responses to allegations of serious negative impacts on human rights; and Measurement Theme F is concerned with the level of transparency displayed by the company.

The first pilot study conducted by the CHRB was published in 2017 and was based on collection and analysis of data from a cluster of companies operating in the apparel, agriculture, and extractives industries, which were chosen because of their well-known challenges and struggles with respect to health and safety, employment rights, child labor, and other human rights issues. The CHRB bases its scoring on a variety of sources, including company reports, websites, and published policies and statements. The results provided support for the skepticism of human rights activists regarding implementation of the Guiding Principles given that only three companies in the pilot scored more than 60% and the average score across all companies was under 30%. Interestingly, a third of the companies in the pilot failed to score any points for publicly committing to respect human rights and 90% of the companies fell well short with respect to involving users in the design or operations of grievance mechanisms.18

Based on feedback from more than 300 individuals and organizations representing a wide variety of stakeholders, the CHRB made a number of amendments to its methodology in anticipation of its 2018 benchmark, including changes to ensure geographical and industry balance. Among other things, these changes are intended to push businesses toward providing publicly available policy statements that refer to specific sections of international principles or conventions, rather than making a general statement promising compliance with human rights; disclosing and describing the frequency and triggers for engagement on human rights issues; involving workers, external individuals, and communities who are potential or actual users of remedy and grievance mechanisms in their design, implementation, and performance assessment; and implementing commitments to the Voluntary Principles on Security and Human Rights or the International Code of Conduct for Private Security Providers.19

19 Id.
Human Rights Benchmarks

In a publication prepared by the international law firm White & Case, human rights and environmental, social, and governance ("ESG") benchmarks were described as "public rankings or analyses—typically based on publicly available information—produced by civil society or NGOs, foundations, investor groups, and others, … [with the goal of] … providing transparent data on corporate performance and disclosures to enable better decision-making, including by the investment community." The publication explained that benchmarks considered specific human rights and ESG issues, reviewed how companies respond to perceived human rights and ESG risks, helped businesses identify gaps in their compliance efforts, and provided information to a range of stakeholders (including investors, activists, and others who might use the data from the benchmarking process to pressure companies to change their business approaches). While companies are naturally skeptical about these new benchmarks, and the need to allocate resources to manage performance against them, there are several strong business case arguments for understanding and accepting the benchmarks, including the support that the data provides for internal business management, investor interest, and the opportunity to demonstrate progress toward greater sustainability to key stakeholders such as employees, customers, and regulators.

White & Case identified and described three broad types of human rights and ESG benchmarks: disclosure-based benchmarks, such as The Modern Slavery Registry, which evaluate whether legally mandated corporate statements exist and whether they comply with minimum disclosure requirements, or best and emerging practices; issue-specific benchmarks, such as KnowTheChain, Behind the Brands, CDP (formerly the Carbon Disclosure Project), and Access to Medicine, which gauge corporate performance on specific human rights and sustainability issues against a variety of indicators, including established human rights and sector-specific standards and norms; and program-focused benchmarks, such as the Corporate Human Rights Benchmark, Ranking Digital Rights, and the World Benchmarking Alliance, that evaluate corporate disclosures, internal systems, and external business processes against established human rights standards and sector-specific standards and norms.

The agencies and other groups performing the benchmarking use a variety of methodologies. However, companies can generally expect that their corporate statements and human rights policies and processes will be reviewed along with information on how those processes are actually managed. Not surprisingly, particular attention will be paid to how companies respond to complaints about the adverse impact of their operations and business relationships on human rights or the environment. The publication suggested that companies take certain steps to improve their benchmarking scores, including identifying the company’s relevant benchmarks and conducting an internal assessment, understanding how the benchmarks will present and share information regarding the company, reviewing the information that the company already disseminates publicly through its reporting and communications practices, engaging with benchmarks and sectorial peers regarding the benchmarking process, and demonstrating that benchmark performance is taken seriously and serves as a catalyst for actions to improve human rights performance.

Source: C. Connellan et al., Human rights benchmarks: Corporate performance rankings on the rise (White & Case, 2020).

Verification

As with any measurement exercise, companies should implement processes for verifying the results in order to ensure that actions are being taken based on accurate information and that reporting of the results to affected stakeholders is perceived as credible. Several
different methods have been suggested for verification of performance on human rights risks including the following:\(^{20}\)

- **Non-Financial Letters of Representation:** A “non-financial letter of representation” is a signed certification from business unit leaders and country directors that the operations that they are overseeing are being carried out in compliance with the company’s codes of conduct, principles, policies, and processes, including guidelines related to the company’s human rights commitments. The certifications typically include specific statements on sensitive matters, such as requiring that the signatory affirm that operations are being conducted in a manner that is non-discriminatory and that workers are not being denied their rights to freedom of association.

- **Multi-Stakeholder Initiatives:** Many companies have opted to rely on verification processes developed by and offered through multi-stakeholder initiatives (“MSIs”). This typically involves a commitment by companies that join the MSI to adhere to a set of standards established by the MSI that would apply to their own operations and their business relationships. Performance against those standards would then be measured using processes created by the MSI (including external auditors that have been certified as to their expertise in measuring performance) and the MSI itself often conducts assessments of suppliers on behalf of member companies in order to make the process more efficient and ease the compliance burden on suppliers.\(^{21}\)

- **Verification by External Parties:** Companies may rely on a growing number of assurance providers specializing in reporting under the UN Guiding Principles Reporting Framework for verification and may also turn to other independent parties such as NGOs, multi-stakeholder and industry organizations, and international organizations.\(^{22}\)

**Improving Processes and Performance**

Obviously, the results of the tracking and measurement of human rights performance will be used for reporting purposes. However, they are also an important part of what should be a continuous feedback loop that ultimately improves the way in which the company conducts its human rights due diligence. Among other things, the results can be used to update policies and processes, particularly for those functions and business units that are performing poorly; inform the scope and focus of training initiatives; re-allocate human and other resources to operational areas and business sites where human rights issues persist; improve existing impact assessment processes and expand assessment to include newly-discovered risks; and tie performance to incentive systems, thus further embedding human rights concerns in organizational thought and culture. The information can also

\(^{20}\) Doing business with respect for human rights: A guidance tool for companies (Global Compact Network Netherlands, Oxfam, and Shift, 2016), 82-83.

\(^{21}\) Examples include the Fair Wear Foundation, Fair Labor Association, Global Network Initiative and the Electronic Industry Citizenship Coalition. Id. at 82.

\(^{22}\) Id. at 83 (citing Oxfam’s study of labor issues in Unilever’s Vietnam operations and supply chain; monitoring of Netles’ cocoa supply chain by the Fair Labor Association for child labor and other human rights issues in Cote d’Ivoire; and the International Labour Organization’s engagement with JT, a tobacco company, to monitor the effectiveness of child labor programs in various countries).

Copyright © 2023 by Alan S. Gutterman. Information about the author and permitted uses of this Work appears at the end of this Work.
Results from the tracking and measurement process should be shared with affected stakeholders through the company’s engagement program and will often lead to changes in the regular agenda of dialogue with those stakeholders. The company’s assessment of the effectiveness of specific procedures carried out in the course of human rights due diligence may also be shared with collaborators in multi-stakeholder initiatives as a catalyst for consideration of changes in standards, protocols, and best practices.

One particularly important byproduct of the tracking and measurement process is the opportunity to take corrective action on elements of the human rights due diligence process that are not working in practice. For example, if a previous assessment indicated that there were no apparent safety risks for a particular activity but nonetheless several safety incidents occurred, it makes sense for the company to re-evaluate its assessment processes to take into account information learned from the incident reports. Another example is the apparent failure of anti-bribery training to prevent employees from engaging in corrupt activities. If the tracking and measurement process reveals ongoing problems of this type, changes in the training protocols will be required and intervention from senior management should occur. Before making changes in response to tracking and measurement processes, senior managers should consult closely with all personnel involved to gain the best understanding of any story that is “behind the numbers.”

---

About the Author

This Work was written by Alan S. Gutterman, whose prolific output of practical guidance and tools for legal and financial professionals, managers, entrepreneurs and investors has made him one of the best-selling individual authors in the global legal publishing marketplace. His cornerstone work, Business Transactions Solution, is an online-only product available and featured on Thomson Reuters’ Westlaw, the world’s largest legal content platform, which includes almost 200 book-length modules covering the entire lifecycle of a business. Alan has also authored or edited over 100 books on sustainable entrepreneurship, leadership and management, business law and transactions, international law and business and technology management for a number of publishers including Thomson Reuters, Practical Law, Kluwer, Aspatore, Oxford, Quorum, ABA Press, Aspen, Sweet & Maxwell, Euromoney, Business Expert Press, Harvard Business Publishing, CCH and BNA. Alan has extensive experience as a partner and senior counsel with internationally recognized law firms counseling small and large business enterprises in the areas of general corporate and securities matters, venture capital, mergers and acquisitions, international law and transactions, strategic business alliances, technology transfers and intellectual property, and has also held senior management positions with several technology-based businesses including service as the chief legal officer of a leading international distributor of IT products headquartered in Silicon Valley and as the chief operating officer of an emerging broadband media company. He has been an adjunct faculty member at several colleges and universities, including Berkeley Law, Golden Gate University, Hastings College of Law, Santa Clara University and the University of San Francisco, teaching classes on corporate finance, venture capital, corporate governance, Japanese business law and law and economic development. He has also launched and oversees projects relating to promoting the civil and human rights of older persons and a human rights-based approach to entrepreneurship. He received his A.B., M.B.A., and J.D. from the University of California at Berkeley, a D.B.A. from Golden Gate University, and a Ph. D. from the University of Cambridge. For more information about Alan and his activities, please contact him directly at alangutterman@gmail.com, follow him on LinkedIn, subscribe to his newsletters (Older Persons‘ Rights Project and Entrepreneurship | Human Rights) and visit his personal website. Many of Alan’s research papers and other publications are also available through SSRN and Google Scholar.

Copyright Matters and Permitted Uses of Work

Copyright © 2023 by Alan S. Gutterman. All the rights of a copyright owner in this Work are reserved and retained by Alan S. Gutterman; however, the copyright owner grants the public the non-exclusive right to copy, distribute, or display the Work under a Creative Commons Attribution-NonCommercial-ShareAlike (CC BY-NC-SA) 4.0 License, as more fully described at http://creativecommons.org/licenses/by-nc-sa/4.0/legalcode.