

**BUSINESS ETHICS FROM THE PERSPECTIVE OF CORPORATE SOCIAL  
RESPONSIBILITY***ÉTICA EMPRESARIAL SOB A PERSPECTIVA DA RESPONSABILIDADE SOCIAL DAS EMPRESAS*

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**RESUMO**

O presente trabalho pretende realizar uma breve exposição de alguns conceitos utilizados pelo Direito Empresarial com bastante frequência na atualidade e, posteriormente, analisar como esses temas têm relevância, de que forma podem ser utilizados como cortina de fumaça para esconder o real interesse da gestão empresarial. Aliado a esses temas, procura-se também discorrer acerca da ISO 26000 da Agenda 2030 e da correlação desses compromissos com a prática de gestão empresarial e com o compromisso da responsabilidade social. Por fim, mas não menos importante, importa para este debate expor a dificuldade na análise de dados, uma vez que o interesse no lucro é alcançado pelas empresas mesmo quando não se defende abertamente que esta seja a prioridade na organização. E, ainda, o poder que as informações nas redes sociais e o julgamento social sobre a tomada de ações empresariais é um ponto relevante em nível de estratégia e de cultura corporativa.

**Palavras-Chave:** Responsabilidade Social das Empresas. Ética Empresarial. Dever Conduta das Empresas.

## ABSTRACT

The purpose of this paper is to briefly present some of the concepts used quite frequently in business law today, and then to analyze how these issues are relevant and how they can be used as a smokescreen to hide the real interests of business management. Allied to these themes, we also try to discuss ISO26000, Agenda 2030 and the correlation between these commitments and the practice of business management and the commitment to social responsibility. Finally, it is important for this debate to expose the difficulty in analyzing data, since the interest in profit is achieved by companies even when it is not openly defended that this is the priority in the organization. Furthermore, the power of information on social networks and the sociological judgment of corporate actions is a relevant point in terms of strategy and corporate culture.

**KEYWORDS:** Corporate Social Responsibility. Business Ethics. Duty of Conduct of Companies.

## INTRODUCTION

Ethics, in its etymological sense, is a word that derives from the Greek *ethos* and refers both to the way of being and the character from which human acts originate, as well as to customs, habits, the habitual way of acting that indicates how a particular person works (Dias, 2004<sup>1</sup>). Beauchamp and Bowie (1983<sup>2</sup>) refer to ethics as a way of investigating the differences between what is good and what is bad, what is right and what is wrong, what should be done and what should not be done.

Of course, combining the concept of ethics with the fundamentalist model of business is a tremendous challenge, given that in the early days of their creation and operation, companies were founded with the aim of making a profit

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<sup>1</sup> Dias, M. (2004). Reflexões sobre a Ética no Quotidiano da Profissão. *Gestão e Desenvolvimento* 12, 81-103. Acedido em dezembro de 2023

<sup>2</sup> Beauchamp, T. & Bowie, N. (1983). *Ethical Theory and Business*, 2nd Ed. Englewood Cliffs, N.J.: Prentice Hall, Inc. Acedido em dezembro de 2023.

(Friedman, 1962<sup>3</sup>). Business ethics aims to counter this single interest or higher purpose, showing that companies today are a mirror of the way of life and the social environment in which they operate.

In this sense, it is no longer feasible for a company, which generates huge impacts on the lives of its employees, on the economy in which it operates, on the community and on various factors that are beyond its analysis and accounting activity, not to commit to or take responsibility for the various factors that make it up and that are extremely influenced by it.

Business ethics from a contemporary perspective encompasses the concept of, as defined by Crane and Matten (2007)<sup>4</sup> and Carroll and Buchholtz (2008<sup>5</sup>), the study of all situations, activities and decisions within the scope of business activity in which right and wrong are questioned. It is all the (practical) ethical principles identified and implemented within the scope of business activity, in order to ensure that the interests of all stakeholders are protected.<sup>6</sup> (Keller–Krawczyk, 2010<sup>7</sup>).

All these different visions and conceptualizations of ethics within companies generate a very common association with another topic that we intend to bring up here, a specific conceptualization: Social Responsibility.

The definition of Corporate Social Responsibility (CSR) is given by the International Standard ISO (The International Organization for Standardization) 26000<sup>8</sup>, which refers to the way in which an organization takes responsibility for the impact of its decisions and activities on society and the environment.

The definition of the European Commission of Corporate Social Responsibility includes aspects such as environmental issues, the fight against corruption,

<sup>3</sup> FRIEDMAN, M. (1962), *Capitalism and Freedom*, Chicago, The University of Chicago Press, página 133. Citado por Manuel da Silva e Costa e Ivo Domingues em *A razão ética e a razão económica na RSO – o reencontro subordinado*, Coleção: Debater o Social – 12, publicado no ano de 2012. Disponível no repositório académico da Universidade do Minho, <https://repositorium.sdum.uminho.pt/bitstream/1822/75060/1/12-Responsabilidade%20Social%20Organizacional-DIGITAL.pdf>. Acedido em dezembro de 2023.

<sup>4</sup> Crane, A. & Matten, D. (2007). *Business Ethics*, 2nd Ed. Oxford: Oxford University Press. Disponível em <https://www.iseg.ulisboa.pt/aquila/getFile.do?fileId=999091&method=getFile>. Acedido em dezembro de 2023.

<sup>5</sup> Carroll, A. & Buchholtz, A. (2008). *Business and Society: Ethics and Stakeholder Management*, 7 th Ed. London: South-Western Cengage Learning. Disponível em <https://www.iseg.ulisboa.pt/aquila/getFile.do?fileId=999091&method=getFile>. Acedido em dezembro de 2023.

<sup>6</sup> Conceito criado na década de 1980, pelo filósofo norte-americano Robert Edward Freeman, o stakeholder é qualquer indivíduo ou organização que, de alguma forma, é impactado pelas ações de uma determinada empresa.

<sup>7</sup> Keller-Krawczyk, L. (2010). Is Business Ethics Possible And Necessary? *Economics & Sociology*, 3 páginas, 133-142. Disponível em <https://www.iseg.ulisboa.pt/aquila/getFile.do?fileId=999091&method=getFile>. Acedido em dezembro de 2023.

<sup>8</sup> Em tradução livre e a Organização Internacional para Normatização, que fornece parâmetros e regras para certificar determinado conjunto de condutas, atribuindo um número específico e um título a cada uma delas. Neste caso em específico, a de número 26000 versa sobre Orientação sobre responsabilidade social.

community involvement, the inclusion of people in situations of inequality and the interests of consumers.<sup>9</sup>

As for the Organization for Economic Cooperation and Development (OECD)<sup>10</sup>, believes that the Responsible Business Conduct (RBC) should be seen as a positive contribution to economic, environmental and social progress. The aim is sustainable development, avoiding adverse impacts related to the activity of a company, products or direct and indirect services.

Other concepts that are often associated or closely correlated that should be presented are those of the Corporate Governance, which is understood to be a set of practices aimed at optimizing the performance of a company by protecting all stakeholders, such as investors, employees and creditors, facilitating access to capital.<sup>11</sup>

And the Environmental, Social and Governance (ESG), which is the arrangement by which organizations are directed, monitored and driven, involving partners, boards (administrative and fiscal), management, control and stakeholders.

Having framed the topic, we will now analyze the practical application of these concepts and the difficulty of analyzing the data, since the managers of large companies have already understood that, often, by making a certain decision in which they do not put profits as a priority, they make even more profits, since the social view of that decision on the part of consumers has a direct influence on consumption.

## 1 BUSINESS PRACTICE

In order to achieve good governance, it may be necessary to go through various challenges, such as establishing risk management and compliance, installing policies and practices that defend integrity and transparency (Ethos Institute, 2018)<sup>12</sup>.

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<sup>9</sup> Mencionado no documento Government in European Commission, de 20 de junho de 2020. Disponível para download em vários idiomas no site oficial da Comissão Europeia, em [https://commission.europa.eu/publications/governance-european-commission\\_en?prefLang=pt](https://commission.europa.eu/publications/governance-european-commission_en?prefLang=pt) Acedido em dezembro de 2023

<sup>10</sup> OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct. Disponível em <https://web.archive.oecd.org/2018-11-27/485071-OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf> acedido em dezembro de 2023.

<sup>11</sup> Comissão de Valores Mobiliários (CVM). Cartilha de Recomendações da CVM sobre Governança Corporativa. Disponível em <http://www.cvm.gov.br/>. Citado por Karen Campos Hentschel da Matta Machado em GOVERNANÇA CORPORATIVA – A PERSPECTIVA ORGANIZACIONAL, disponível em [https://www.puc-rio.br/ensinopesq/ccpg/pibic/relatorio\\_resumo2010/relatorios/ccs/adm/ADM-Karen%20Campos%20Hentschel%20da%20Matta%20Machado.pdf](https://www.puc-rio.br/ensinopesq/ccpg/pibic/relatorio_resumo2010/relatorios/ccs/adm/ADM-Karen%20Campos%20Hentschel%20da%20Matta%20Machado.pdf) Acedido em dezembro de 2023

<sup>12</sup> Documentos sobre Gestão Sustentável, na página da web do Instituto Ethos. Disponível em <https://www.ethos.org.br/conteudo/projetos/gestao-sustentavel/>. Acedido em dezembro de 2023

To be characterized as “good management”, a company must intermittently monitor its economic assets and liabilities, its socio–environmental measures and its value chain (Ethos Institute, 2016)<sup>13</sup>. In addition to the monitoring of the company by stakeholders and the government, society plays an important role by monitoring its attitudes and taking an interest in them, ranging from the basic inputs used in production to the treatment that employees receive; organizations that use means to increase their integrity and ethics, in addition to becoming more sustainable and contributing to the environment, become less vulnerable to suffer from acts of corruption (Ethos Institute, 2018).<sup>14</sup>

Ethical leadership can be related to organizational performance; when top management has ethical leadership, the number of ethical lawsuits is more likely to increase, as the ethical climate, codes of ethics and ethical standards are formulated and shaped by top management (Shen, 2015).<sup>15</sup>

The reports of the organizations can detail the responsibilities that management has in relation to financial reporting, maintaining an ethical corporate culture, as well as establishing adequate internal control; the reports can also portray adjustments that the company will make in order to achieve its objectives, such adjustments can, in relation to assets and transactions, make external financial reporting adequate (Verschoor, 1998).<sup>16</sup>

There is a positive relationship between the voluntary disclosure of information and the profitability of organizations, since companies use this information to maintain their position and to be able to increase the level of remuneration; therefore, profitability can be seen as an indicator of the quality of the investments made by the organization; therefore, if the company has high returns, it has more incentive to disclose this information and justify its profits (Frias–Aceituno, 2014).<sup>17</sup>

There are reports that, as a corporate strategy, are committed to the use of ethical attitudes towards their investors; a link can be observed between management based on ethical and socially responsible behavior and the positive financial performance that the corporation obtains; therefore, there is a concern

<sup>13</sup> Instituto Ethos. Indicadores Ethos para Negócios Sustentáveis e Responsáveis. Instituto Ethos de Empresas e Responsabilidade Social, 2016. Acedido em dezembro de 2023

<sup>14</sup> Documentos sobre Gestão Sustentável, na pagina da web do Instituto Ethos. Disponível em <https://www.ethos.org.br/conteudo/projetos/gestao-sustentavel/>. Acedido em dezembro de 2023

<sup>15</sup> SHEN, M.; SHEN, J. Evaluating the cooperative and family farm programs in China: a rural governance perspective. *Land Use Policy*. V. 79, p:240–250, 2018. Acedido em novembro de 2023.

<sup>16</sup> Verschoor, C. C. (1998) A Study of The Link Between a Corporation’s Financial Performance and Its Commitment to Ethics. *Journal of Business Ethics*, 17, 1509-1516. Acedido em novembro de 2023.

<sup>17</sup> Frias-Aceituno, J. V. et al. (2014). Explanatory Factors of Integrated Sustainability and Financial Reporting. *Business Strategy and the Environment*, 23, 56–72. <https://doi.org/10.1002/bse.1765>. Acedido em novembro 2023.

about the influence that ethical behavior with stakeholders has on increasing profitability (Verschoor, 1998).<sup>18</sup>

And this turns out to be the main difficulty in analyzing the data. There is, for example, a complicated mathematical equation developed by Brazilian researchers Giovana Romeu Faria and David Ferreira Lopes Santos, from the State University of the state of São Paulo (Uniesp), who sought on their own to carry out an analysis of ten different exporting companies in order to numerically demonstrate the relationship between actions that took into account the ethical and responsible positioning of companies, compared to others in the same sector that were not committed to the same topics.<sup>19</sup>

The figures are ambiguous in many cases and there are fairly obvious explanations for this: a company that uses social marketing concepts to publicize its actions or develop products with less social impact does not mean that it is ethical and responsible. After all, can a company with huge liabilities in lawsuits generated by its workers be considered ethical?

A company that launches a campaign that converts part of its profits to a certain social or environmental cause and at the same time is held responsible for a huge ecological disaster is clearly not being ethical or responsible. Once the management of the company has realized that certain points are analyzed and have a great impact on its public, even if that action is not aimed at profit in the strict sense, it will translate into profit, since it is welcomed by the end consumer.

We can't consider that this action or set of actions doesn't have an end centered on fundamentalist theory, which aims for profit at all costs. Ethics and responsibility are often used as a means to achieve the goal that is above all other components in that particular company: profit. What effectively protects workers, customers, suppliers and all those affected by business activity is that there are now many channels of information, which makes it much more accessible to analyze in depth whether actions are following the same path as speeches.

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<sup>18</sup> Verschoor, C. C. (1998) A Study of The Link Between a Corporation's Financial Performance and Its Commitment to Ethics. *Journal of Business Ethics*, 17, 1509-1516. Acedido em novembro de 2023.

<sup>19</sup> Ética Empresarial e o Desempenho Financeiros das Indústrias Exportadoras, EBOOK\_Contribuicoes-do-SGAgro-a-sustentabilidade-e-inovacao-no-agronegocio, por Giovana Romeu Faria e David Ferreira Lopes Santos. ISBN: 978-65-265-0756-8 [Digital] DOI: 10.51795/9786526507568. Acedido em novembro de 2023.

Just as an example from Portuguese society: Green Point Society<sup>20</sup> in 2020 conducted a survey<sup>21</sup> which randomly questioned different groups of people on the streets of different cities in Portugal about selective waste collection. The result of this survey was revealed: nine out of ten Portuguese declared that they separate their waste.

At first glance, the data was quite shocking, simply because it wasn't in line with the reality seen on the streets and with the results of the companies that collect waste throughout the country, as reported by the Portuguese Environment Agency in a survey carried out in 2022.

"In terms of collection, there have been no significant differences over the last few years, with undifferentiated collection being the preferred type of collection for municipal waste. Although in recent years there has been an increase in the number of infrastructures for selective collection, this has not had a proportional impact on the quantities collected selectively."<sup>22</sup>

Sociologically, the results of the survey are easier to understand, because even if we don't have a certain attitude, it seems bad to socially and openly admit to such a lack of commitment.

Most people know about the importance of environmental causes and the attitudes we can and should have to contribute to sustainability, recycling and reusing waste and consciously disposing of what we produce, but taking a concrete and practical attitude such as simple separation is another step. Admitting that this apparently simple attitude isn't even part of our daily concerns is even worse.

The organization that carried out the mentioned survey has not officially issued a statement on this divergence between practice and what is declared, but we can easily come up with possible explanations for it by exercising our critical sense.

With this analysis, which is not intended to provide an unequivocal answer to the reason for the discrepancy between the declared data and the reality we see, it is worth pointing out that companies or large corporate entities also have ambiguous actions because they are the result of and can be influenced by the

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<sup>20</sup> Entidade privada, sem fins lucrativos com a missão de recolha seletiva, retoma e reciclagem de embalagens em Portugal. Fundada em 1996. Web site com todos os documentos disponíveis em [https://www.pontoverde.pt/quem\\_somos.php](https://www.pontoverde.pt/quem_somos.php) acedido em março de 2024.

<sup>21</sup> Revista digital Ambiente Magazine "Inquérito revela que portugueses estão mais preocupados com problemas ambientais", disponível em <https://www.ambientemagazine.com/inquerito-revela-que-portugueses-estao-mais-preocupados-com-problemas-ambientais/> Acedido em novembro 2023.

<sup>22</sup> Dados sobre resíduos urbanos, disponível em <https://apambiente.pt/residuos/dados-sobre-residuos-urbanos>. Acedido em novembro de 2023.

social environment and how the people who work there provide, invest and act on a daily basis. Linearity and simplicity work in certain business areas, but not in all.

## 2 CORPORATE SUSTAINABILITY ACCORDING TO ISO 26000

ISO 26000:2010 aims to help organizations contribute to sustainable development. It aims to encourage them to go beyond legal compliance, recognizing that compliance with the law is a fundamental duty of any organization and an essential part of its social responsibility. It aims to promote common understanding in the field of social responsibility and to complement other social responsibility instruments and initiatives, not replace them.

When applying ISO 26000:2010, it is advisable for an organization to take into account social, environmental, legal, cultural, political and organizational diversity, as well as differences in economic conditions, while being consistent with international standards of behavior.

ISO 26000:2010 is not a management system standard. It is not intended or appropriate for certification, regulatory or contractual use. Any offer to certify, or claim to certify, ISO 26000 would be a misrepresentation of the intent and purpose and a misuse of the ISO 26000:2010. As ISO 26000:2010 contains no requirements, any such certification would not be a demonstration of conformity to the ISO 26000:2010.

ISO 26000:2010 is intended to provide organizations with guidance on social responsibility and can be used as part of public policy activities. However, for the purposes of the Marrakesh Agreement establishing the World Trade Organization (WTO), it is not intended to be interpreted as an “international standard”, “guideline” or “recommendation”, nor is it intended to provide a basis for any presumption or conclusion that a measure is consistent with the obligations of the WTO. Furthermore, it is not intended to provide a basis for legal actions, claims, defenses or other complaints in any international, national or other proceeding, nor is it intended to be cited as evidence of the evolution of customary international law.

ISO 26000:2010 is not intended to prevent the development of national standards that are more specific, more demanding or of a different type.<sup>23</sup>

ISO 26000 is not just aimed at purely commercial companies, but at organizations of all types and sizes. Responsibility for sustainable development

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<sup>23</sup> ISO 26000:2010 Guidance on social responsibility. Disponível em <https://www.iso.org/standard/42546.html> Acedido em dezembro de 2023.



is shared equally by all companies and organizations: even small and medium-sized companies can influence various stakeholder groups and at least their employees and customers. Their perception can have a direct impact on the success of the company.

Therefore, even small companies must fulfill their social responsibility by following the recommendations of the ISO 26000. It is important for them to set their social responsibility strategically. In this way, the guidance can also be useful in the public or non-profit sector. Large commercial companies are increasingly demanding that their suppliers contribute to sustainable development.

The seven principles of corporate and organizational social responsibility according to ISO 26000 are: Accountability, Transparency, Ethical behavior, Respect for the interests of stakeholders, Respect for the rule of law, Respect for international standards of conduct and Respect for human rights.

Some recommendations from the core areas mentioned in the guidelines are already part of common, certifiable management system standards, such as ISO 9001 (quality management), ISO 14001 (environmental management), ISO 45001 (occupational health and safety) or ISO 37301 (compliance management). Such a certificate can therefore serve as partial evidence of your social commitment.

Even though it is easily confused with a certification, ISO 26000 gives us a good idea of the importance and relevance of the subject to the business world, since there is no minimum size of income or employees, or any other objective aspects that oblige organizations to adopt measures to maintain their responsible, sustainable and ethical operation.

### **3 GLOBAL PACT AND 2030 AGENDA**

On July 26th, 2000, the Global Compact<sup>24</sup> was officially adopted at the headquarters of the United Nations (UN) in New York, with the participation of forty-four transnational companies and some non-governmental organizations.

Launched by then General Secretary of the United Nations Kofi Annan, the Global Compact is a call for companies to align their strategies and operations with Ten Universal Principles in the areas of Human Rights (Companies should support and respect the protection of internationally recognized human rights and ensure that they do not participate in violations of these rights), Labor (Companies should support freedom of association and the effective recognition

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<sup>24</sup> Pacto Global das Nações Unidas. Disponível em <https://unglobalcompact.org/> Acedido em dezembro de 2023.

of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor and the elimination of discrimination in employment. ), Environment (companies should support a preventive approach to environmental challenges; develop initiatives to promote greater environmental responsibility and encourage the development and diffusion of environmentally friendly technologies) and Anti-corruption (companies should fight corruption in all its forms, even extortion and bribery), developing actions that contribute for tackling the challenges of society. It is now the largest corporate sustainability initiative in the world, with over 21,000 members in more than 70 local networks covering 160 countries.

Since then, corporate social responsibility has become a new paradigm for the behavior of transnational companies in the era of globalization. In whatever context, but especially in the activities in which they operate, transnational companies must observe and respect human rights, enforcing national and international laws and seeking ways to comply with internationally recognized principles.

Business ethics is no longer an option; it is now an existential requirement. In the meantime, the corporate governance of companies that are signatories to the Global Compact must not only create the means, but also set an example by respecting the guiding principles, mapping and mitigating the risks that their activities or contracts may cause or contribute to human rights violations.

One of the main merits of the Global Compact, the ESG and the 2030 Agenda is to reinforce the responsibility of large corporations for the actions in their chains, since a company does not exist solely because of its economic nature.

The 2030 Agenda is a broad and ambitious agenda that addresses various dimensions of sustainable development (social, economic and environmental) and promotes peace, justice and effective institutions. The Sustainable Development Goals build on the progress and lessons learned from the 8 Millennium Development Goals, established between 2000 and 2015, and are the result of the joint work of governments and citizens around the world. The 2030 Agenda and the 17 Sustainable Development Goals are the common vision for humanity, a contract between world leaders and people and “a list of things to do on behalf of people and the planet”.

The goals on this list are: eradicating hunger and poverty; quality health and education; gender equality; clean water and sanitation; renewable and affordable energy; decent work and economic growth; industry, innovation and

infrastructure; reducing inequalities; sustainable cities and communities; sustainable production and consumption; climate action; protecting marine and terrestrial life; peace, justice and effective institutions and, finally, partnerships to implement the goals.<sup>25</sup>

Even if there is no binding or sanctioning mechanism, it is inconceivable that the Global Compact should only be seen as an ethical imperative, since companies have also made a deal with it at international level and it must be complied with by them in good faith. In addition, mention should be made of the legal rules of *pacta sunt servanda*<sup>26</sup> and *venire contra factum proprium*<sup>27</sup>, universally known.

On the other hand, even the Global Compact and the Ruggie Principles<sup>28</sup> are soft law<sup>29</sup>. The duty to protect is not ruled out, and companies can be held accountable before the state courts of each country in which they operate.

Good corporate governance practices help companies to demonstrate their legal, ethical and humanistic commitment. Compliance can be a tool by which the organization operationalizes and guarantees that its actions are in line with the dictates of the Ruggie Principles and market norms, avoiding human rights violations.

Profit is legitimate; however, it is necessary to add values to this pursuit, which can be achieved through the humanist philosophy of Economic Law, with Humanist Capitalism, which adds the balance that is lacking in the economic system, which is why Human Rights are legal norms and should be mandatory.

In this way, corporate governance needs to be constantly in due diligence<sup>30</sup>, always seeking to question what can be done in their business practices and relations to minimize damage and maximize their contribution to society, given

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<sup>25</sup> Agenda 2030, Objetivos para o Desenvolvimento Sustentável. Disponível em <https://ods.pt/>. Acedido em março de 2024.

<sup>26</sup> A expressão *pacta sunt servanda* – do latim, “pactos devem ser respeitados” ou “acordos devem ser cumpridos” – é utilizada para designar um princípio clássico da teoria dos contratos, segundo o qual haveria obrigatoriedade em cumprir o que foi acordado em contrato.

<sup>27</sup> O princípio do *Venire Contra Factum Proprium* veda o comportamento contraditório, inesperado, que causa surpresa na outra parte. Embora não tenha previsão expressa no texto legal, sua aplicação decorre da boa-fé objetiva e da lealdade contratual, exigíveis de todos os contratantes.

<sup>28</sup> Princípios desenhados a partir de normas de direitos humanos pré-existent, sobretudo na Declaração Universal dos Direitos Humanos. São 31 princípios que trazem como os Estados devem proteger e as empresas devem respeitar os direitos humanos, além de tratar dos mecanismos de reparação, tendo, portanto, os princípios fundantes e os princípios operacionais.

<sup>29</sup> Soft law é um conjunto de normas produzidas pela administração que orientam a sua ação e se caracterizam por não serem vinculativas e por não estarem previstas sanções para a atuação administrativa desconforme.

<sup>30</sup> A Due Diligence (ou diligência devida) é um procedimento que visa fazer pesquisas e investigações aprofundadas acerca de uma empresa.



that transnational companies have instruments and the power to transform (positively or negatively) the social reality in which they operate.

Therefore, the positive role that transnational companies (especially those adhering to the Global Compact) can – and should – play in the protection and promotion of human rights, as part of corporate social responsibility, should be highly recognized.

It is worth mentioning that both the actions resulting from the Global Compact and the 2030 Agenda are reflections of a growing and constant concern on the part of the Commission of the European Communities with regard to the issue of corporate responsibility. We cannot fail to mention the Green Paper, launched in 2001 in Brussels, which already contained effective actions to promote awareness and business actions aimed at sustainable resource management, the internal and external impact of organizations, human rights and issues that continue to be increasingly urgent and topical<sup>31</sup>.

Finally, it does not seem dishonest or unethical that corporate social responsibility offers advantages to the company, such as improved reputation, credibility, productivity, brand loyalty and many other economic benefits, as long as it is coupled with an awareness and effective activity to promote and protect human rights. It follows, therefore, that the obligation to respect human rights constitutes a global standard of conduct applicable to all companies wherever they operate.

## FINAL CONSIDERATIONS

It is possible, after this conceptual explanation, to understand that we are increasingly moving away from the traditional sense of the creation of a company aimed exclusively at profit to a universalist vision, and that it is extremely important to understand the ethical bias of organizations and the impact they have on the lives of people. It is imperative, it is mandatory, that an organization of any size takes into account that social judgment, economic and activity relevance, the fact that it employs people and directly influences local commerce is also its responsibility.

Just to refer to the external, reference should be made to the importance of the code of ethics, the way suppliers are treated, workers and mandatory safety

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<sup>31</sup> LIVRO VERDE – Promover um quadro europeu para a responsabilidade social das empresas - Apresentado pela Comissão das Comunidades Europeias. Bruxelas, 18.7.2001 COM(2001) 366 final . Disponível em [https://www.europarl.europa.eu/meetdocs/committees/empl/20020416/doc05a\\_pt.pdf](https://www.europarl.europa.eu/meetdocs/committees/empl/20020416/doc05a_pt.pdf) Acedido em março de 2024.

standards, among many other components that remove the primacy of profit to the detriment of ethical, responsible and sustainable attitudes.

Being part of a global panorama that values, promotes and encourages ecological practices, business models that last for generations and make a long-term commitment to the conservation of the planet and a climate agenda, needs to interfere directly in business practice and logic. Deeply, seriously.

It's not enough to launch a marketing campaign with a single product made from reforested wood and the next day be involved in a biological disaster that causes the extinction of an entire species. It's not enough to go on social media with campaigns about inclusivity and in the presidential elections sell data of the users and tip the scales in favor of parties without inclusive agendas. Today, information is accessible, fast, at the fingertips of the consumer, who is also an employee, who is also a supplier.

At the same time as we see this demand for companies to adopt more committed and responsible positions, with all legitimacy, we are forced to face the fact that if they do so, it is because of a normative rule or because they find themselves trapped in this dynamic of moral posturing. Are they really committed and responsible or do they just want to appear so?

Analyzing the data is very difficult; if a given decision was not aimed at immediate profit, at least there was some knowledge that that particular position or speech would be well regarded, and that it would generate profit. As consumers become more and more demanding, legislation is also more demanding.

On the other hand, within the Boards of Directors, it is perhaps just as easy to see when a company is really committed or uses this aspect to dress up its image to the market. The number of lawsuits, environmental fines and awards granted by non-profit organizations show that it's not just an economic bias. And if, in addition to the social and moral gain, there is also a monetary gain, it seems only fair that good deeds should have multiple returns, knowing that bad deeds can have catastrophic results in the most diverse areas.

Managing an organization and being part of the decision-making process is becoming increasingly complex, in line with the social mold in which it is increasingly complex to position oneself and be coherent with one's own discourse. As companies are made up of people, they are a mirror and a small sample of the social environment that surrounds them; they are neither isolated nor part of the social context that surrounds them. They need to understand



where they stand; at this point, I think the phase of understanding has passed and we are moving on to the phase of committed action, of putting speeches into practice as well as using them as postcards.

Standards such as the ISOs and commitments such as the Global Agenda and the United Nations Compact contribute, despite not having the force of sanctions, to companies committing themselves and taking on concrete objectives in terms of labor, environmental protection, the fight against corruption and essential topics such as human rights. It is also essential that consumers are always vigilant so as not to fall for false advertising, take advantage of technologies and the functionality of always having access to the most diverse sources of information to investigate and charge when they perceive ambiguous attitudes of the environment of companies.

International organizations and the law must exercise their regulatory roles insofar as they are concerned, but it is also important to combine this possibility of full-time investigation so that nothing escapes, or at the very least, is not left unseen, duly disclosed and exposed. This is where the role of ordinary citizens comes into its own, being able to bring forward market consequences that are often more effective and coercive than the fines and penalties themselves.

That's why we have a lot to gain as a business that respects and integrates with the environment, both internal and external, and as a society that has the power to dictate rules according to what makes the most sense for the community, including the interests of the businessman. A balance or moderation has to be reached; it's not a question of survival, but of coexistence.

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