

Laying the Track: The Race to Zero

The role of investors in addressing the just transition

This briefing sets out how investors are addressing the just transition. It shines an independent spotlight on the state of play in the financial industry and sets out what policymakers can do to move investors in the right direction. The picture that emerges shows the investment sector at the very beginning of getting to grips with one of the most significant challenges of our time: how to transition to a low-carbon economy while respecting and protecting the rights and interests of workers, communities, consumers and citizens.

This briefing outlines the following:

- The lack of due diligence practices by companies and investors is a key barrier to addressing human rights abuses, which is essential for achieving the just transition. We recommend mandating human rights due diligence and establishing a Council for Investor Due Diligence.
- Investors are not accustomed to integrating stakeholder perspectives on the low-carbon transition, despite the impact it will have on workers, communities, consumers and citizens. Our recommendations focus on advancing social dialogue practices and strengthening stakeholder engagement in corporate and investor communities.
- Investments in community-level projects are key to ensuring communities and workers benefit from the transition. However, finance is not currently reaching the local level. We recommend the creation of a national Just Transition Commission tasked with coordinating regional bodies, channelling finance in alignment with local needs.

Led by the UNFCCC Champions for Climate Action, the global “Race to Zero” campaign aims to rally leadership from investors for a resilient, zero-carbon recovery that unlocks sustainable growth. This briefing is based on a distillation of findings from secondary research and informal interviews and is the [fourth in a series](#) that outlines how we can lay the track for the financial services sector to reach net-zero by 2050.

The transition to a low-carbon economy will offer significant social risks and opportunities

The term ‘just transition’ refers to a fair and inclusive process that prioritises the social needs of workers, communities, consumers and citizens impacted by the transition to a net-zero economy.

The transition will pose serious economic and social risks if policymakers do not face them head on. For example:

- The north of England could see approximately 28,000 direct job losses resulting from the closure of coal-fired power plantsⁱ.
- The UK Government's new pledge to cut carbon emissions by 78 per cent¹ means that households unable to pay for greener heating may face an increased fuel poverty riskⁱⁱ.

However, the move to decarbonise our economy has significant potential to offer exciting opportunities in generating new jobs and reducing inequality, for example:

- Low-carbon industries in the UK could grow from 8 per cent in 2030 to 13 per cent in 2050ⁱⁱⁱ, generating 1.7 million green jobs in the UK from the phasing out of emissions-heavy sectors^{iv}.
- Energy poverty is already widespread, with 3.4 per cent of households (3.18 million) living in fuel poverty in England^v and 940 million people globally (13% of the world) living with no access to electricity^{vi}. However, investment guided by just transition principles could slash energy demand in buildings^{vii} and provide electricity to rural communities and businesses^{viii}.

If policymakers make the just transition a priority within the financial system, we have the opportunity to reduce, rather than increase, existing inequalities:

- sharing the benefits of the transition equitably; and
- ensuring the burdens are distributed on the basis of who is able to pay.

Making the just transition an explicit priority in UK and EU policy

The just transition can be a central part of the UK Government's delivery of its net-zero commitments and levelling up agenda. This work has already begun with the UK Government's *Ten Point Plan for a Green Industrial Revolution*^x and the *Build Back Better* plan for growth^x. However, we would urge the UK Government to include the just transition as an explicit priority within these strategies, balancing national oversight with regional powers. We would encourage a more joined-up approach to financial regulation, creating a policy environment that will enable the "place-based" investments needed in the real economy.

The just transition can also be a key priority in the EU's sustainable finance programme. We would encourage the Commission to continue to build on its Just Transition Mechanism and proposals to strengthen stakeholder engagement in corporate strategy and due diligence processes. We recommend that the Commission establishes a legal duty for companies to undertake environmental and human rights due diligence, develops a robust social taxonomy that enables the shifting of capital towards socially sustainable activities, monitors the implementation of Do No Harm safeguards and pushes companies to report on their just transition plans.

¹ In April, the UK Government announced that it will cut carbon emissions by 78 per cent compared to 1990 levels by 2035.

The limited practice of human rights due diligence and the just transition

The issue: The lack of human rights due diligence (HRDD) undertaken by companies and investors is a key barrier to addressing human rights abuses linked to global business practices, including those associated with the transition to net-zero. Like the low-carbon transition, the just transition will affect every sector. Without robust processes in place for companies and investors to identify, prevent, mitigate and account for human rights impacts, a just transition will not be achievable. Moreover, with the renewables sector failing to address human rights issues in its supply chains, climate action may end up causing as many problems as it solves.

The details: Central to the just transition is respect for human rights, exemplified through the practice of due diligence. Companies and investors need to acknowledge that climate actions² can undermine the rights of people. As well as labour rights, this includes the land rights of indigenous communities and people's rights to food, shelter, and water, which can be compromised by mining or dams. Adverse human rights impacts must be accounted for and integrated into corporate and investment decision-making to ensure that climate change responses do not cause unintended social harm.

Governments have the primary duty to protect human rights in their countries. However, some countries are weak at upholding and enforcing standards on environmental and human rights protection. Corporations benefit from resources and infrastructure within countries and therefore have a responsibility to respect human rights and the environment, independent of the host country's ability or willingness to do so.

Using HRDD to identify, prevent, mitigate and account for human rights impacts

HRDD³, now HREDD at EU level⁴, is the process formalised by the UN Guiding Principles on Business and Human Rights (UNGPs) for companies to ensure they fully understand, identify and account for the human rights adverse impacts of their activities. The UNGPs are a globally recognised framework confirming that all business enterprises have a responsibility to respect human rights, and that they are required to exercise HRDD as part of this responsibility^{xi}. The OECD Guidelines for Multinational Enterprises⁴ and Due Diligence Guidance for Responsible Business Conduct^{xii} provide recommendations for businesses on HRDD and practical support for implementing these recommendations.

More and more nations have implemented or started to consider legislation on mandatory HRDD, finding that voluntary measures are not working. For example, a study for the European Commission of 334 business survey respondents (ranging from all sectors, and representing enterprises of all sizes) found that just over one-third of business respondents indicated that their companies undertake due diligence which takes account of all human rights and environmental impacts. However, the majority of business respondents do not undertake due diligence beyond the first tier and human rights and climate change processes often take place in "silos"^{xiii}.

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- 2 In this briefing 'climate actions' and 'climate responses' refer to all policies, initiatives and technologies that aim to address climate change.
 - 3 Under UN Guiding Principles, human rights due diligence is defined as an ongoing risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts.
 - 4 HREDD refers to human rights and environmental due diligence. Due diligence processes at EU level now include environmental aspects alongside human rights concerns.

Despite a proliferation of human rights policy commitments⁶, companies are putting a just transition at risk by not demonstrating how they ensure that these rights are understood and protected in practice.

Human rights abuses are rife in corporate supply chains – and the renewables sector is no different

Almost half of the 141 companies across 11 sectors that responded to a Workforce Disclosure Initiative survey had a human rights policy but failed to give an example of when they had provided a remedy for a human rights violation^{xiv}.



The UK's Solar Industry's Reliance on Uyghur Forced Labour

Evidence shows that almost the entire global solar panel industry and 40 per cent of UK solar farms are sourced from companies implicated in the forced labour of Uyghurs and other Turkic and Muslim-majority peoples^{xv}.

As governments look to move towards renewable energy in the interests of reducing the global carbon footprint, companies need to account for the reliance on forced labour in supply chains^{xvi}.

The research, by the Coalition to End Forced Labour, suggests that the UK's Modern Slavery Act has not prevented companies from addressing their adverse human rights impacts across their operations and supply chains⁵. A lack of enforcement mechanisms and voluntary adoption of this law means that companies continue to disregard their responsibility to protect human rights.

Investors play a key role in this space in moving away from financing fossil fuels and committing to green alternatives, such as renewable energy. They must ensure they are investing in companies which are supporting communities during this transition and not abusing human rights. When investing in greener business activities, investors should ensure these are truly sustainable by verifying that these industries are not only green but also contribute to social progress.

These findings indicate a misalignment between corporate human rights policies and practices on the ground, as well as a lack of rigorous action on human rights across supply chains. Companies are putting a just transition at risk by not demonstrating how they ensure that these rights are understood and protected in practice.

Unfortunately, renewable energy companies and their suppliers, key to leading the transition to low-carbon economies, are no different. One study found that, despite 75 per cent of the top mining

5 The Modern Slavery Act 2015 made the UK the first country in the world to require large businesses to report on how they prevent modern slavery in their operations and supply chains.

companies having a human rights policy, 81 per cent had been subject to allegations of human rights abuses. This sample includes the top five global producers of minerals used in wind turbines^{xvii}. In the solar energy industry, 14 out of 32 solar companies had a human rights commitment in place but only eight of these had developed a grievance mechanism for communities or workers impacted by projects^{xviii}.

To ensure workers and communities are not unfairly burdened by climate transition efforts and are protected in the face of this transformation, companies must take clear action to address human rights risks and impacts.

The barriers: Investors are limited in their capacity to obtain an accurate view of companies' human rights performance because of poor implementation of HRDD. This leaves them unable to fully factor human rights issues into their investment strategies and influence companies to improve their human rights actions as a key enabler of a just transition.

Our recommendation is for the Department for Business, Energy & Industrial Strategy to mandate human rights due diligence for companies. This should legally require companies to identify, prevent, mitigate and account for human rights violations. This would allow investors to better integrate human rights issues into their own due diligence processes and investment strategies as they consider how different sectors and regions are affected by the transition.

Mandating HRDD would follow the example of jurisdictions such as France, where mandatory due diligence legislation is already in place, and multiple European countries, as well as in the EU, where this legislation is already in development as part of the Sustainable Finance Action Plan. As part of its Green Finance Strategy, the UK made a commitment to match the ambition of the EU's Sustainable Action Plan^{xix}, providing a further incentive to mandate human rights due diligence.

We also propose that the Department for Work and Pensions creates a Council for Investor Due Diligence, inspired by existing counterparts in Norway and Sweden. The Council would be mandated to research the practices of listed companies and issue alerts to investors where there are reasonable grounds to believe a company is responsible for, or linked to, adverse human rights impacts^{xx}.

Investors would receive advice and recommendations on how they could respond to the alert, with a requirement to adopt the course of action most likely to contribute to ending or mitigating adverse human rights. They should also be required to publish their response^{xxi}.

We are supportive of the European Commission's proposal on human rights and environmental due diligence, as part of the Sustainable Corporate Governance initiative to be published later this year. **We recommend** that it establishes a legal duty for companies to undertake environmental and human rights due diligence, applicable to all sectors, including the financial industry.

The role of investors in social dialogue practices

The issue: Social dialogue practices, formal processes of negotiation, consultation and information exchange⁶, are key to understanding and actioning the views of key stakeholders impacted by the transition. However, investors are not accustomed to integrating the perspectives of communities and workers at the forefront of dealing with the challenges of climate change, or pushing companies to do so.

The details: To ensure the transition is a fair process that addresses the social needs of all workers, communities, and consumers, it is essential that investors are guided by the principle of procedural justice⁷.



Fonds de Solidarité FTQ and Ircantec

The PRI has launched a working group on the just transition. Two case studies from this group's work show how investors can advance and use stakeholder engagement in the just transition^{xxii}.

In 2018, the Fonds de Solidarité FTQ planned to integrate the just transition into their investment strategies. They did this by co-sponsoring a meeting of labour, business, and community groups to assess the challenges facing wider stakeholders as they take on the transition.

Ircantec has presented its shareholder engagement policy on the just transition to investee companies in energy-intensive sectors. Through dialogues with a variety of stakeholders including companies and trade unions, it has sought to define how the just transition translates in practice.

Procedural justice means the voices of workers and communities are at the heart of climate transition strategies, with wider stakeholders meaningfully involved in the planning, implementing, and evaluation of these plans.

Using social dialogue to listen to and act on stakeholders' interests in the just transition

Stakeholder engagement is an ongoing process of interaction and dialogue that enables companies to hear, understand and respond to stakeholders' interests^{xxiii}. It exercises procedural justice by

6 The ILO defines social dialogue as more than just a conversation with stakeholders – it is defined as the negotiation, consultation, and information exchange among different actors with the purpose of promoting consensus building and democratic involvement of all stakeholders involved.

7 According to the ILO Just Transition Guidelines, procedural justice means that the participation of citizens and all stakeholders are ensured under a just transition.

providing a meaningful mechanism for engaging with wider stakeholders from all governance levels on their just transition concerns^{xxiv}.

Social dialogue processes also integrate procedural justice by prioritising the consultation and negotiation of corporate and investor transition plans with wider stakeholders, to implement agreed action strategies on the negative and positive impacts of climate responses on stakeholders. This includes issues related to retention and redeployment, skills training, high-quality job creation and community renewal.

Investors have a key role to play in advancing social dialogue by:

- Using their leverage with investee companies, urging them to consider their approach to the just transition through engagement activities and the reporting of outcomes⁸.
- Ensuring their climate investment strategies are underpinned by social dialogue practices prioritising the core social needs of stakeholders. For example, where investors demand that companies have a plan for their emission reductions, they should equally demand this plan include consideration of a just transition for the company's workforce and communities where the company operates^{xxv}.
- Engaging directly in social dialogue practices with workers, communities, consumers and citizens, learning from their experiences, opportunities and concerns related to the transition^{xxvi}, where resources allow. The results can be used by investors to understand their overall just transition position, informing the formulation of their investment strategy^{xxvii}.
- Acting as conduits for concerns raised by affected communities and workers during the transition^{xxviii}. This could involve investors facilitating and monitoring social dialogue practices between companies, trade unions and wider stakeholders, as well as clarifying with companies their expectations regarding the actioning of stakeholder views^{xxix}.
- Conducting all necessary human rights due diligence and ensuring that they facilitate a robust social dialogue with affected communities on the principle of free, prior and informed consent^{xxx}, where they have direct stake in a project.

We need a balanced approach that assesses the impact of investments in terms of emission reductions, the generation of new, decent jobs, the protection of rights of vulnerable communities and the impact on consumers^{xxxi}.

The barriers: The participation and integration of stakeholder voices are not embedded in conventional business or investor strategies.

8 Investors engagement activities on the just transition could be informed by resources such as The World Benchmarking Alliance's new draft methodology assessing 450 of the world's most influential companies in high-emitting sectors on what they are doing to engage in meaningful social dialogue relating to a just transition. This draft methodology includes stakeholder engagement on the creation of green jobs, worker retention, reskilling and education and social protection.
<https://www.worldbenchmarkingalliance.org/research/just-transition-launch-of-the-draft-methodology/>

Our recommendation: In the UK, the Financial Reporting Council (FRC)'s new Stewardship Code prioritises engagement with companies on wider social considerations. We recommend that the FRC issues guidance to support effective social dialogue practices and ensure they signpost UK investors, particularly those that are signatories of the new code, to this guidance.

The guidance should be informed by resources such as the International Labour Organisation (ILO)'s guide on social dialogue^{xxxii} and the Just Transition Centre's guide for business^{xxxiii}. This would offer investors guidelines informed by best practice for engaging companies on the just transition and social dialogue, as well as informing the development of their own investment strategy.

We also recommend that the Department for Business, Energy and Industrial Strategy reviews how Annual General Meetings (AGMs) could advance social dialogue practices by encouraging robust engagement between shareholders, stakeholders, and companies. The Future of the AGM report sets out how AGMs could be a yearlong process where companies and investors purposefully listen and build deeper trust and dialogue with the stakeholders who they impact directly and indirectly during the transition^{xxxiv}.

We are supportive of the European Commission's proposal to strengthen stakeholder engagement in corporate strategy and due diligence processes, including for investors, as part of the Sustainable Corporate Governance initiative to be published later this year.

We recommend that the Commission provides guidance on how mechanisms of engagement should be established and implemented by companies, including investors, in a way which clearly incorporates the concerns and inputs from stakeholders affected by the transition.

A “place-based” approach and the local level

The issue: The impact of the low-carbon transition will vary across geographic regions and sectors. Mobilising financial flows to community-level projects is key to ensuring that local communities and workers benefit from investments during the transition. However, these are not currently reaching the local level.

The details: While the just transition is a global issue, requiring international cooperation and national strategies, the needs of each country and region will vary widely as the low-carbon transition gathers speed.

Differing needs of countries and regions in the just transition

The LSE's Investing in a Just Transition initiative identifies that, in the UK, “construction (30%), transport (26%) and manufacturing (17%) are the sectors that could require greatest reskilling. The

East Midlands, West Midlands, and Yorkshire and the Humber are the three regions with the highest proportions of jobs that could be exposed to the transition^{xxxv}.

Looking globally, Climate Strategies highlights that “there is not a one-size-fits-all approach” and that there is still too limited an understanding of what the just transition means in developing countries^{xxxvi}. Developing countries tend to have high levels of unemployment, meaning that there needs to be a greater focus on job creation, rather than transformation. Informal workers may make up to 80 per cent of the total workforce in developing countries and are often overlooked in the just transition debate.

Most importantly, each developing country has a different social and economic context, and will face different challenges in implementing a just transition. For example, in Colombia, the majority of workers involved in the agriculture, forestry and other land use sectors are informal low-income workers^{xxxvii}. Conservation strategies could disproportionately affect the economic rights of poor communities^{xxxviii} if they are not informed by a nuanced understanding of the local context.



Lancashire Council Pension Fund

Lancashire County Council’s pension fund invested £12m in a community-owned solar development in South Oxfordshire in 2013.

The project received a £12m bond – with the pension fund receiving interest on its investment over the 23-and-a-half year period.

David Westley, chair of the council’s pension fund committee, said: “Our first responsibility is to secure the best returns for people in our pension fund, but I think many will be interested in knowing that their pension investments are helping fund worthwhile and sustainable schemes such as this one^{xxxix}.”

The importance of climate finance reaching the local level

Climate finance reaching the local level as part of a coherent approach to climate action delivers effective, efficient, and sustainable results that enhances the impact of investments made. This is essential for investors’ climate financing to be aligned with the just transition.

Local finance can be more efficient and cost effective, building on communities’ own resources, and supporting local solutions that tackle challenges with greater local ownership^{xl}. This will ensure vulnerable communities and workers, as the most in need for resilient development interventions during the transition, fully benefit from climate adaptation and mitigation investments.

However, only a small proportion of climate finance reaches the local level, and an even smaller share is channelled to community organisations or small businesses^{xli}. Scotland’s Commission findings on

the Just Transition also acknowledge that further steps need to be taken to help finance flow to community level projects that advance a just transition^{xlii}.

Despite the efficiency and institutional sustainability of local solutions, financial flows do not sufficiently finance action at the local level. If investors fail to recognise and address this issue, this will leave communities and workers even more vulnerable to the negative effects of climate responses during the transition.

The barriers: Institutional investors tend to see local financing as risky to the delivery of their fiduciary duties. They are often not confident of a return of their money, so they tend to avoid it altogether or make financing for community-enterprises available only at an unaffordable level^{xliii}.

Institutional investors predominantly tend to invest at scale, in liquid assets that are easily realisable. It is more customary to invest in public equities in the renewables sector (for example) than to finance small-scale community energy projects.

Our recommendation: The UK Government should create a national Just Transition Commission, similar to that established in Scotland⁹. This Commission should be tasked with coordinating regional bodies with devolved powers for identifying local needs for the just transition and channelling finance in a way which addresses these appropriately.

The Commission should also work with the Foreign, Commonwealth & Development Office to identify ways of aggregating small community projects in developing countries, creating financing opportunities at the right scale for public and private investments while maintaining high environmental and social standards^{xliv}. This should complement the UK's role in diplomacy and aid focused on addressing global inequalities.

Part of this work should involve reviewing how the UK can take a more joined-up approach to financial regulation by creating a policy environment that will enable the "place-based" investments needed in the real economy. This would build on the existing work by the UK Government looking at how to allow pension schemes more flexibility for illiquid investments^{xlv}.

We also recommend that the Department for Work and Pensions implements legislation aimed at clarifying what it means for pension schemes to act in the best interests of their beneficiaries. While investors have a responsibility to act in the best interests of their beneficiaries, we believe this should not be solely defined in terms of pure financial returns. ShareAction's Responsible Investment Bill extends the concept of best interests to encompass the wider benefits to beneficiaries of a stable and sustainable society, economy and environment^{xlvi}. This would give investors the flexibility to consider and take account of the consequences of their investment activities on communities and the environment^{xlvii}.

9 Scotland's Just Transition Commission started work in early 2019, with a remit to provide practical recommendations to Scottish Ministers. The final report, published this year, sets out key opportunities and challenges for Scotland and recommends practical steps to achieving a just transition.

At an EU level, **we recommend** that the Commission:

- Continues to ensure that the transition towards a climate-neutral economy happens in a fair way, through the mobilisation of resources as part of the Just Transition Mechanism.
- Helps investors and companies to plan and report on the social aspects of the transition by developing a social taxonomy that allows the steering of capital towards socially sustainable activities.
- Monitors the implementation of Do No Harm safeguards as part of Sustainable Finance initiatives such as SFDR and the green taxonomy.
- Requires companies to report on their just transition plans, as part of the Corporate Sustainability Reporting Directive, and mandates director responsibilities to oversee the development and execution of these plans, as part of the Sustainable Corporate Governance Directive.

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