

# Preliminary research and conditions

## Guidelines for civil society organisations participating in corporate stakeholder consultations

**The due diligence process focuses on the (potential) negative impact of business activities on people and the environment. To be effective, this process must be based on information from stakeholders, people or groups whose interests may be harmed by corporate actions.**

The involvement of stakeholders must be done in a meaningful way. Meaningful stakeholder engagement is crucial for achieving sustainable, responsible, and fair business practices. It allows companies to identify risks, prevent abuses, and adapt their policies based on the experiences of those impacted.

This document provides guidelines for civil society organisations to consciously and effectively participate in corporate stakeholder consultations, making sure that their input contributes to real and lasting impact.

### 1. Roles and added value of civil society organisations in stakeholder consultations

Civil society organisations (CSOs) can use a variety of strategies to encourage companies to behave in a socially responsible manner, ranging from research and advocacy campaigns to quality certification schemes, partnerships, or critical shareholding. Each organisation decides, based on its role – watchdog, facilitator, or expert, whether and how it wants to engage with companies.

Depending on their role and contribution, stakeholder involvement represents a particular step in the due diligence process and it may vary in scope and duration. CSOs can be involved for shorter or longer periods of time and to a greater or lesser extent. Some stakeholders remain engaged throughout the entire process, while others contribute at specific phases, or even at a single moment, offering targeted insights or action.

**Each CSO must define its own role during and around stakeholder consultations** based on its role, strategy, and the position of the organisation.

The contribution of CSOs varies at each step in the due diligence process, including:

- **Identifying risks and violations** in which the company is directly or indirectly involved.
- **Providing background information**, expertise, and analysis – for example, based on sector or regional knowledge.
- **Helping to prioritise risks** using international standards and an overarching perspective.
- **Providing solution directions**, including references to relevant actors or networks.
- **Contributing to the implementation of improvement measures** – for example, through projects or collaborations.
- **Monitoring progress and compliance**, together with rights holders or local partners.
- **Facilitating dialogue between companies and local stakeholders**, with attention to marginalised groups.
- **Assisting rights holders** – for example, in filing complaints and/or obtaining justice.

## 2. Considerations for participating in meaningful stakeholder engagement

When done well, stakeholder engagement benefits everyone involved. Companies gain a clearer understanding of the circumstances and risks in their supply chain, enabling better decisions. It is an opportunity for the voices of stakeholders and rights holders<sup>1</sup> to be heard and to influence decisions that affect them.

However, engagement is a time-consuming process and, if poorly implemented, can also be counterproductive for stakeholders. That is why it is important for civil society organisations that are invited to participate in stakeholder consultations – or that proactively register themselves – to have a number of key questions addressed beforehand so that they can make an informed decision about whether to participate in the consultation.

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<sup>1</sup> Rights holders are individuals or groups whose human rights or collective rights may be directly affected by business activities, products or services. In this case, stakeholders and rights holders include people or groups whose human rights or collective rights may be directly impacted by business activities, products or services – including employees and local residents, suppliers, family members and community members.

The questions below are designed to help gain a better understanding of the stakeholder consultation process and to determine the extent to which it is useful and valuable to engage in dialogue with the company in question.

## 2.1 What do you know about the company?

It is important for CSOs to understand the type of company they are entering into a partnership with. A lot of information is publicly available, for example via annual reports and company websites. In addition, it is useful to seek answers to the specific questions below directly from the company.

### Here are some questions that are useful to ask beforehand:

- *What does the company's sustainability report say about its policy and approach to human rights and the environment? To what extent is meaningful stakeholder consultation integrated into the company's corporate social responsibility (CSR) policy and practice? What opportunities, risks, or barriers does the company's current CSR policy and practice offer for meaningful stakeholder consultation?*
- *Is the company listed in platforms such as [Open Supply Hub](#), [Business & Human Rights Resource Centre](#), [Transparency Pledge](#), and the Clean Clothes Campaign's (CCC) [Fashion Checker](#)?*
- *How does the company score in independent CSR rankings and comparative surveys such as the [World Benchmarking Alliance](#), [Corporate Human Rights Benchmark](#), or [KnowTheChain](#)?*
- *What are the experiences of other trade unions and civil society organisations with this company?*
- *Are there any news articles or reports mentioning the company referring to abuses or positive developments? Has the company previously been linked to environmental and human rights violations? If so, how have these been addressed?*

## 2.2 What is the company's intention with a stakeholder consultation?

As a CSO, it is advisable to assess before the consultation whether the company in question is genuinely motivated to engage with stakeholders, or whether it is merely doing so to meet legal requirements or to avoid negative publicity.

### Here are some questions that can help assess the company's motivation and intentions:

- *Is the consultation aimed at driving real change, or is it just a tick-box exercise? Without a genuine willingness to listen to stakeholders, consultations can become superficial – using impersonal tools, involving only trusted parties, or simply seeking validation of existing policies. Such practices undermine the purpose of consultations, creating false expectations, and risking disappointment and mistrust.*
- *Does the company have a clear commitment to address the risks being discussed? Does the company acknowledge the identified risks and take responsibility for them?*
- *Has the company had previous consultations with CSOs, and, if so, what were the outcomes?*
- *Is there commitment at the board level and structural internal capacity to implement follow-up actions?*
- *Is the company prepared to provide prior insight into procurement practices? Transparency about procurement processes, production locations, and identified risks is essential for*

meaningful dialogue. If a company shares this information upfront, a focused and substantive exchange can take place. Without such openness, it is difficult for CSOs to make valuable contributions. After all, general country-level risks are often already known and publicly available.

- Does the way goods are sourced and traded contribute to fair wages, safe working conditions, and environmental protection at every stage of production?
- Is the company willing to engage on sensitive issues, such as freedom of association/union freedom, living wage/income, discrimination based on gender, caste, religion, etc.?

#### **Stakeholder consultation as a distraction**

It is good for CSOs to be aware of the strategies that companies use to avoid their corporate responsibilities. Distracting stakeholders through spurious stakeholder consultations is one such strategy. Building on the experience of activists, communities, and academics, the [Mind the Gap](#) project<sup>2</sup> offers a toolkit against such strategies with guidelines and links to practical examples.

### **2.3 Who is involved in the consultation?**

Balanced and representative stakeholder consultation calls for all relevant stakeholders to be involved. Companies that engage only with parties that offer minimal criticism risk overlooking valuable insights and failing to adequately address supply chain risks. Because meaningful participation often demands a significant time investment from stakeholders, it is essential to ensure that trade unions, local communities, and other stakeholders and rights holders are fully included in the consultation process.

**Here are some questions that can help assess whether the company is involving the right stakeholders:**

- *Are the right people in the company, those with influence, involved in the consultation? Who is at the table?*
- *Are the right stakeholders involved, including trade unions and grassroots organisations? A stakeholder consultation with CSOs in the Netherlands or Europe can never replace a consultation with local trade unions, workers, and residents – who are the rights holders.*
- *Are there signs that the company only talks to “easier” partners and excludes crucial stakeholders?*
- *Are workers and their legitimate representatives heard directly, or are they only involved indirectly through non-governmental organisations (NGOs) and other organisations?*
- *Is the company aware of possible shrinking civic space, and the risks of repercussions faced by workers and human rights defenders who speak out? Does the company take any steps to counter any reprisals?*

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<sup>2</sup> The Mind the Gap project is carried out by civil society organisations from across the globe with the aim of increasing respect for human rights and achieving justice and remedy for individuals and communities whose lives and livelihoods have been adversely affected by multinational corporations.

- *What measures is the company taking to make participation in the consultation accessible and attractive to stakeholders?*
- *Is the company aware of the background (and potentially vulnerable position) of rights holders and other dialogue participants, such as interpreters? For example, women may not want to discuss particular topics in the presence of men.*

#### **Involvement of trade unions**

In an ideal scenario, independent trade unions represent workers through freedom of association and companies should engage with the unions. In reality, however, this is not always possible – for instance, where the right to organise or trade union freedom is absent. In these cases, CSOs must scrutinise the company's intentions and its own role even more carefully:

- *Why does the company choose to source from countries and areas where trade union freedom is under pressure?*
- *Have they made extra efforts to involve rights holders in the due diligence process?*
- *Does the company view consultation with your organisation as a substitute for genuine worker representation, or does it engage with inappropriate stakeholders (for example, so-called 'yellow unions'<sup>3</sup> or groups that do not necessarily represent rights holders' interests)?*

#### **2.4 What is the content, timing, and form of the consultation?**

For consultations to be effective, they should take place early enough in the due diligence process for input to inform decisions in a meaningful way. In addition, there must be sufficient space for feedback and follow-up, so that the consultation is not just a one-off event, but becomes part of ongoing improvements. Transparency about next steps and the consultation's impact is crucial.

#### **Questions that can help assess the content, timing, and structure of the consultation:**

- *Who sets the agenda? What is on the agenda and what is missing? Can CSOs propose agenda items?*
- *Is the consultation organised early enough in the due diligence process, or only at the end as a formality?*

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<sup>3</sup> A Yellow Union is a union that has been established by the government or an employer, or one that is not sufficiently independent from an employer. By creating collective labour agreements with only these kinds of company unions or fake unions while excluding other unions, collective bargaining rights can be undermined or even undone. Companies do this just to comply with the law, but to practice real social dialogue you need independent trade unions.

- *Is there a one-off consultation or a long-term process with feedback and follow-up opportunities?*
- *In what form does the consultation take place, and how does it fit into the broader process?*
- *Does the form – which could be a questionnaire, an exploratory discussion, or a thematic dialogue – mention something about the company's intention to involve stakeholders? A questionnaire can be a useful first step, but it is not enough on its own to be meaningful. It must also be clear what the follow-up steps are, whether and how feedback is provided, and what influence the input has on decision-making. The value of the consultation depends heavily on its place in the wider engagement process.*
- *Does the company share all important information and documentation in advance with sufficient time for stakeholders to read it?*
- *Is there enough time to share information and process input, and to discuss critical issues – including the issues the stakeholder wants to discuss?*
- *Is the language and form understandable and accessible to rights holders and local civil society organisations?*
- *Does the company provide appropriate preconditions, such as a safe and trusted location, support where needed (for example, translation or guidance), and, if appropriate, reimbursement of costs incurred or compensation for time and travel commitment? A company that takes this responsibility seriously shows that it values equal and respectful engagement.*
- *Is the consultation conducted by the company itself, or has it outsourced the interaction to a third party such as an independent research team, consultant, multi-stakeholder initiative, or sustainability initiative? If so, why has the process been outsourced?*
- *Are there clear commitments for following up on agreed actions and for sharing outcomes?*

### 3. Preparation and conditions for meaningful consultation

By conducting preliminary research and clearly defining conditions in advance, CSOs can better judge whether participating in a company's consultation is meaningful and whether there is a real opportunity to contribute constructively and to influence outcomes. This advance preparation also helps to increase the likelihood of successful implementation and to reduce the most common risks associated with stakeholder consultations.

The key questions outlined above automatically give rise to a number of conditions that could be imposed on the company. The next section explores how CSOs can effectively shape their participation in stakeholder engagement and what conditions they can impose.

**Each CSO must decide for itself exactly what the conditions for participation are.**

#### Aspects to consider when setting conditions:

- **Focus on impact:** Only participate in initiatives that are directly or indirectly aimed at achieving tangible improvements for stakeholders and rights holders in policy and/or practice. Rights holders often lack the influence to stand up for their rights.
- **Specific participation criteria:** Consider linking your participation in a consultation to specific conditions. For example, only engage with companies that meet certain criteria, such as endorsing particular standards, sharing supply chain information and supplier names, or involving senior management in discussions.

#### Consultant involvement in stakeholder consultation

Companies must not shift their responsibility for stakeholder engagement to third parties such as consultants or multi-stakeholder initiatives. Companies themselves should be visible and accountable throughout the process. Consultants can facilitate but they should not form a shielding layer between the company and stakeholders. However, there are also situations where an independent party is better positioned to liaise with rights holders – for example, in a Human Rights Impact Assessment, where anonymity and security are paramount. In such cases, it is crucial for the company to actively follow up on the findings and still get involved in dialogue when developing and implementing measures. Within multi-stakeholder initiatives, it is advisable to make agreements on how the direct involvement of companies in meaningful consultation will be secured and how barriers between stakeholders and companies will be avoided.

- **Set clear conditions:** Make clear agreements with the company in advance about the consultation's structure and purpose, and clarify that participation does not imply approval by you as the CSO of the stakeholder consultation. Also agree in advance about how publicity

following the consultation will be handled: the company should seek permission before publishing anything, and include a disclaimer stating that participation in the consultation does not imply that you agree with its conclusions.

- **Communicate clearly:** Share who or what you represent, and be clear about your expertise and what you can and cannot contribute.
- **Funding:** Consider whether participation in consultations should be remunerated or not, depending on the context and resources required. Ask yourself in advance whether any company funding could influence the independent position of stakeholders. One possible argument for charging a fee is that the financial resources enable the organisation to continue its work. Without these resources, this dialogue with companies and stakeholder representation might not be possible at all. One possible argument against charging a fee is the perceived or actual loss of independence, conflicts of interest, and reputational risks.
- **Existing or planned engagement:** Consider how participation in a consultation relates to the organisation's existing engagement with the company or sector (such as campaigns, publications, partnerships, etc.). Is there a concrete interest for the organisation, and is there relevant expertise within the organisation? If this is not the case, you may wish to forward the request to another organisation or partner for whom it may be relevant.
- **Critical reflection:** Continuously evaluate whether the involvement is helping to achieve the stated goals.
- **Discuss the right to remain anonymous:** Consider maintaining anonymity when addressing sensitive topics that are difficult to discuss publicly but are important for your organisation's contribution.

#### **Early stakeholder engagement contributes to:**

- **Effective risk assessment:** Meaningful consultation helps companies to recognise and understand risks to people and the environment.
- **Strengthening trust:** Transparent dialogue increases support and prevents conflicts.
- **Realistic action plans:** Stakeholders provide knowledge and insights for feasible and substantiated measures.
- **Learning capacity:** Consultation provides companies with valuable feedback to strengthen policy and practice.

CSOs in the Netherlands and Europe should enter into dialogue with partner organisations in producing countries to jointly define their approach to company requests for stakeholder consultation from companies. Do these partners always want to be involved, or only under certain conditions? And to what extent do they have the capacity to participate?



### 3.1 Sample conditions list

#### **Intention and purpose of stakeholder engagement**

- *Consultation is aimed at improving policy and practice, not reputation management.*
- *The company recognises risks and takes responsibility to address them.*

#### **Timeliness and embedding in the business process**

- *Stakeholder consultation takes place early in the due diligence process.*
- *Stakeholder engagement is part of an ongoing engagement process, including follow-up, feedback, and improvement actions.*
- *The form chosen (survey, dialogue, theme sessions, exploratory discussion) matches the nature and depth of the issues at hand.*

#### **Agenda and content direction**

- *The company does not set the agenda unilaterally; CSOs can actively propose their agenda items.*
- *Critical and sensitive topics are not avoided or excluded.*
- *Sufficient time is available for in-depth discussion of critical issues.*

#### **Transparency and information sharing**

- *The company shares all relevant documentation before the consultation, with sufficient time for consideration (possibly indicating the number of working days).*
- *Information is available in an accessible format and language (including translation, where necessary).*

#### **Representation and inclusiveness**

- *Workers are represented directly, not solely through NGOs.*
- *Key and local stakeholders – such as trade unions, workers, grassroots organisations, and residents – are directly involved and not excluded in favour of ‘easy partners’.*
- *Language, resources, and pacing are tailored to participants from diverse backgrounds.*

#### **Safety and accessibility**

- *Consultation takes place in a safe and accessible environment (physical or digital).*
- *There is support where needed (for example, interpreters, technical assistance, guidance).*
- *Costs incurred are reimbursed, and commitment is compensated, where appropriate.*

#### **Follow-up and accountability**

- *There are clear agreements on: follow-up of recommendations, feedback to participants, and public reporting (if agreed).*
- *It is clear who is responsible for implementation.*

## 4. Relevant sources and further reading

In recent years, several guidelines and practical guides for companies have been developed to promote meaningful stakeholder engagement by companies, including:

- Agreement on Sustainable Garments and Textile (AGT), [\*Recommendations for stakeholder and civil society organisation engagement\*](#).
- OECD, [\*Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector\*](#) (2017).
- Oxfam America, [\*Meaningful rights holder engagement: an introduction\*](#) (2023).
- STITCH Partnership, [\*The Framework on Meaningful Stakeholder Engagement\*](#) (2025).
- Social and Economic Council (SER), [\*Meaningful stakeholder dialogue: tools, knowledge documents & training – The added value of dialogue for your company\*](#) (2024) and [\*Preconditions for starting a dialogue\*](#) (2024).

*The [MVO Platform](#) is a network of Dutch civil society organisations and trade unions which are active in the area of responsible business conduct. The MVO Platform believes that businesses should operate in a responsible, accountable and transparent manner and that states have a big responsibility to ensure this.*