中英文对照：主动斡旋机制（Proactive Mediation Mechanism, PMM）

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ESG Cooperation Hub理事会公告

Announcement by the ESG Cooperation Hub Board of Directors

ESG Cooperation Hub理事会一致同意将主动斡旋机制（Proactive Mediation Mechanism, PMM）作为ESG Cooperation Hub的基本工作方法，按照斡旋机构工作规则起草惯例，现向利益相关方公开就中文版征求意见。

The ESG Cooperation Hub Board of Directors has unanimously agreed to adopt the **Proactive Mediation Mechanism (PMM)** as the fundamental working methodology of ESG Cooperation Hub. Following the procedural rules of mediation institutions, a standard practice draft has been prepared and is now open for public consultation regarding its Chinese version.

请各有关利益相关方审阅，提出修改意见和建议，本轮征求意见将于2025年2月28日截止，也欢迎在此期间约见当面反馈。（联系人：Fermi Wang　联系邮件：fermi.wang@esghub.club）

We invite all relevant stakeholders to review the document and provide comments or suggestions. The deadline for this round of feedback is **February 28, 2025**. During this period, stakeholders are also welcome to arrange in-person meetings to share feedback.

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主动斡旋机制（Proactive Mediation Mechanism, PMM）

Proactive Mediation Mechanism (PMM)

ESG Cooperation Hub（ESG Hub）的主动斡旋机制（Proactive Mediation Mechanism, PMM）旨在通过协作和多方参与方式，在冲突出现前、问题进一步升级前主动介入，为企业、利益相关者和国际NGO提供高效、透明、可操作的斡旋平台，以促进全球供应链的可持续发展与责任管理。

The **Proactive Mediation Mechanism (PMM)** of **ESG Cooperation Hub (ESG Hub)** aims to intervene proactively before conflicts arise or escalate, providing an efficient, transparent, and actionable platform for businesses, stakeholders, and international NGOs to collaborate. This mechanism seeks to promote sustainable development and responsible management across global supply chains.

1. **机制目标Objectives of the Mechanism**
    - **提前介入**：在冲突升级前，通过斡旋和沟通机制解决潜在矛盾，防止争议升级到法律纠纷或公共舆论危机。
    - **平衡利益**：为企业、社区、工会、工人、民间社会组织（CSO）、原住民、NGO、政府机构等利益相关者提供公平的对话空间，保障弱势群体的利益。
    - **提升信任**：通过透明和结构化的斡旋过程，增强企业与利益相关者之间的信任。
    - **推动系统改进**：通过斡旋积累的案例和经验，改进行业标准及供应链管理机制。

Proactive Intervention: Address potential conflicts through mediation and communication mechanisms before they escalate into legal disputes or public controversies.

Balancing Interests: Provide a fair dialogue platform for businesses, communities, trade unions, workers, civil society organizations (CSOs), Indigenous peoples, NGOs, and government agencies, ensuring the protection of vulnerable groups.

Building Trust: Enhance trust between businesses and stakeholders through a transparent and structured mediation process.

Driving Systemic Improvements: Accumulate case experience through mediation to improve industry standards and supply chain management mechanisms.

2. **核心原则Core Principles**

- **中立性**：ESG Hub以第三方身份协调斡旋，确保各方的平等话语权。
- **透明性**：适用时，在不影响机密性的前提下，公开斡旋进程和结果。
- **参与性**：强调所有利益相关者的参与，包括企业、社区、工人代表、工会、关注议题的NGO和政府部门。
- **预防性**：聚焦早期干预，通过识别和解决潜在风险，避免严重后果。

Neutrality: ESG Hub serves as a neutral third party, ensuring equal representation of all voices during mediation.

Transparency: When applicable and without compromising confidentiality, the mediation process and outcomes will be made publicly available.

Inclusiveness: All stakeholders, including businesses, communities, worker representatives, trade unions, NGOs, and government departments, are encouraged to participate actively.

Preventive Approach: Focus on early risk identification and resolution to mitigate severe consequences.

3. 运行框架Operational Framework

3.1 触发条件Trigger Conditions

主动斡旋机制的触发条件明确了在何种情况下可以启动机制，以确保及时应对供应链中的潜在风险和问题：

· **企业在ESG尽职调查过程中发现潜在风险或冲突**：当企业通过内部或外部ESG尽职调查发现供应链中存在可能损害其声誉或不符合ESG标准的风险时，例如供应商存在未达标的工作条件或环境违规行为。触发机制的目的是在问题扩大或被外部曝光前，通过合作解决潜在冲突。

· **工会或社区报告劳动条件或环境问题**：工会可以就低工资、强迫劳动、不安全的工作环境等问题发出警报，社区则可能反映水污染、土地侵占等环境和生计问题。主动斡旋机制确保这些报告能够被快速接收并进行独立评估，避免问题被忽视或恶化。

· **民间社会组织或NGO发现不符合国际标准的行为**：当CSO或NGO在其独立监测中发现某企业或供应链行为不符合国际标准（如《联合国商业与人权指导原则》）时，可以将相关信息提交至ESG Hub作为触发依据。这些外部观察者提供了第三方视角，有助于发现企业可能未察觉的问题。ESG Hub也会主动从CSO或NGO了解相关信息并主动启动斡旋。

· **供应链中的高风险行为**：涉及强迫劳动、童工、环境污染或社区强制搬迁等高风险行为，将自动触发机制。这类问题通常具有较高的社会关注度且解决复杂，主动斡旋能够及时介入防止风险扩大化。

The PMM specifies clear conditions under which the mechanism can be activated to address potential risks and issues within supply chains:

· **Identified Risks in ESG Due Diligence**: When businesses discover risks or conflicts during internal or external ESG due diligence, such as substandard working conditions or environmental violations, the mechanism can be triggered to address these risks before they escalate.

· **Reports from Trade Unions or Communities**: Trade unions may report labor-related issues like low wages, forced labor, or unsafe working conditions, while communities may raise concerns about environmental degradation or land encroachment.

· **CSO or NGO Findings**: CSOs or NGOs may submit findings of non-compliance with international standards (e.g., UN Guiding Principles on Business and Human Rights). ESG Hub may also proactively seek out relevant information from these organizations.

· **High-Risk Supply Chain Behaviors**: Issues such as forced labor, child labor, environmental pollution, or forced community relocation will automatically trigger the mechanism to prevent the escalation of public and corporate risks.

3.2 关键步骤Key Steps

主动斡旋机制遵循结构化流程，以确保问题能够系统性解决，并为利益相关方提供透明的操作框架：

1. **问题识别**

· **目标**：明确问题的性质和紧迫性，以判断是否启动斡旋机制。

· **预警信号收集**：ESG Hub设有全天候接受投诉和预警的在线渠道，企业、工会、社区或NGO都可以通过该渠道提交报告。ESG Hub会密切关注媒体报道及外部审计报告，以捕捉潜在问题信号。

· **风险初步评估机制**：ESG Hub会根据收到的信息，应用标准化的风险评估流程，对问题的性质、范围和严重程度进行快速判断。例如，强迫劳动问题将被标记为优先级较高的事项，需要立即启动斡旋。

2. **利益相关方召集**

· **目标**：确保所有直接或间接受影响的利益相关者能够公平地参与到问题的解决过程中。

· **召集机制**：在确定问题需要斡旋后，ESG Hub会迅速联系所有相关方，包括企业高管、工会领导、工人代表、社区代表、NGO和地方政府。每方都会被赋予平等的发言权，并保证其参与斡旋过程的透明度和权威性。利益相关方多样性考虑是利益相关方召集的重要原则，确保每一方的特殊需求和意见得到重视。

3. **斡旋与谈判**

· **目标**：通过中立斡旋，找到兼顾人权、劳动权利和环境责任的解决方案。

· **斡旋协调员的角色**：斡旋协调员由ESG Hub邀请，通常是具备丰富经验的法律、环境或劳工专家。斡旋协调员的职责包括引导各方关注核心问题、避免冲突升级，以及通过科学依据和国际标准指导谈判过程。

· **基于数据的分析支持**：斡旋过程使用ESG Hub的数据分析工具，包括行业基准报告和尽职调查模型，为各方提供客观参考。数据支持有助于减少主观偏见，促成事实基础上的讨论和决策。

4. **解决方案制定**

· **目标**：在充分协商的基础上制定具有可操作性的改进方案。

· **协商过程**：由斡旋协调员引导各方共同制定行动计划，包括明确责任分配、执行时间表和整改目标。例如，针对强迫劳动问题，解决方案可能包括调整人力资源政策、工资结构、增加工人监督机制、以及向外部机构公开整改结果。

· **国际标准的保障**：所有方案必须符合国际认可的ESG和人权标准，如《联合国商业与人权指导原则》（UNGPs）和《OECD尽职调查指导方针》。这确保方案不仅满足本地需求，也能应对国际社会的合规要求。

5. **监督与后续跟进**

· **目标**：确保行动计划的执行效果，并持续改善。

· **定期跟踪观察**：ESG Hub将设立跟踪小组，定期向各方报告进展情况，包括改进措施的实施状态、关键绩效指标（KPIs）的变化等。例如，针对环境污染问题，跟踪小组会监测排污数据的逐步改善情况。

· **能力建设支持**：针对企业或利益相关者在方案执行中遇到的技术难题，ESG Hub会提供技术支持和培训。例如，协助企业实施基于区块链技术的供应链透明度平台，或者为工会提供法律培训课程。

· **经验总结**：在斡旋完成后，ESG Hub会输出案例研究报告，分析斡旋过程中的成功经验和需要改进的地方，为未来的斡旋机制优化提供依据。

The PMM follows a structured process to ensure systematic problem-solving and transparency for stakeholders:

1. **Problem Identification**

· **Objective**: Assess the nature and urgency of the issue to determine whether to activate the mechanism.

· **Signal Collection**: ESG Hub operates a 24/7 online portal to receive complaints and warnings from businesses, trade unions, communities, or NGOs, while also monitoring media and third-party reports.

· **Preliminary Risk Assessment**: Use standardized tools to evaluate the severity and scope of identified risks.

2. **Stakeholder Engagement**

· **Objective**: Ensure fair participation of all directly or indirectly affected stakeholders.

· **Engagement Mechanism**: Quickly convene representatives from businesses, trade unions, communities, NGOs, and local governments to ensure equal speaking opportunities for all

parties.

3. **Mediation and Negotiation**

· **Objective**: Achieve solutions that align with human rights, labor rights, and environmental standards.

· **Role of Mediators**: Neutral experts guide discussions, focusing on key issues and adhering to international standards.

· **Data-Driven Support**: Use industry benchmarks and due diligence models to provide objective insights.

4. **Formulating Solutions**

· **Objective**: Develop actionable and practical improvement plans.

· **Collaborative Planning**: Mediators facilitate the design of implementation plans, including assigning responsibilities, timelines, and rectification goals.

· **International Standards**: Ensure all solutions comply with recognized ESG and human rights frameworks (e.g., UNGPs, OECD Guidelines).

5. **Monitoring and Follow-Up**

· **Objective**: Ensure the effectiveness and continuous improvement of action plans.

· **Tracking and Reporting**: Regularly assess progress and share updates with stakeholders.

· **Capacity Building**: Provide technical assistance and training for stakeholders encountering implementation challenges.

· **Lessons Learned**: Publish case studies to refine the mechanism for future applications.

4. 斡旋机制的关键组成部分Key Components of the Mechanism

4.1 技术支持 Technical Support

技术支持是主动斡旋机制的核心，为风险识别、解决方案制定和后续评估提供数据驱动的工具和方法。

尽职调查工具：

HRDD工具专为人权尽职调查（Human Rights Due Diligence）设计，用于评估供应链中是否存在强迫劳动、童工、歧视或劳动安全等问题。企业可以通过这些工具快速识别高风险区域或业务合作伙伴，并采取针对性措施。HREDD工具将人权尽职调查扩展至环境领域，包括评估采矿、制造或运输过程对生态系统的破坏，以及对社区健康和生计的影响。

ESG Hub尽可能不自行设计HRDD工具或者HREDD工具，尽可能选用行业或者区域有共识的工具：

· **模块化设计**：适应不同行业需求。

· **实时更新**：整合国际法规和行业最佳实践的最新变化。

· **用户友好**：提供图形化界面和详细的使用指南，便于企业内外部人员操作。

数据分析平台：

通过大数据技术，对供应链中的相关数据（如生产记录、员工工资、材料来源）进行采集、整合和分析；提供定制化的风险报告，直观地展示可能的供应链薄弱环节；利用机器学习算法，帮助企业预测潜在风险并制定预防策略。

行业基准报告：

通过与国际NGO的合作，联合发布或者直接采用高影响力独立NGO发布的关于供应链管理的行业基准报告，必要时也可以独立发布。行业基准报告包含具体案例分析、合规性评级和区域风险地图，为企业提供参考标准。定期更新，反映行业动态和全球趋势，如新兴法规或社会关注热点。

Technical support is at the core of the PMM, providing data-driven tools and methods for risk identification, solution development, and follow-up evaluation.

Due Diligence Tools:

HRDD tools are specifically designed for Human Rights Due Diligence, helping evaluate whether supply chains involve forced labor, child labor, discrimination, or unsafe working conditions. These tools enable businesses to quickly identify high-risk areas or business partners and take targeted measures. HREDD tools expand HRDD to cover environmental risks, including assessing the impact of mining, manufacturing, or transportation processes on ecosystems and community health and livelihoods.

ESG Hub aims to avoid developing its own HRDD or HREDD tools and instead adopts tools that are widely recognized within specific industries or regions:

· **Modular Design**: Adaptable to the needs of different industries.

· **Real-Time Updates**: Incorporates the latest changes in international regulations and industry best practices.

· **User-Friendly**: Offers graphical interfaces and detailed user guides to facilitate use by internal and external stakeholders.

Data Analysis Platform:

Leverages big data technology to collect, integrate, and analyze supply chain-related data (e.g., production records, employee wages, material sources). Provides customized risk reports that visually highlight potential supply chain vulnerabilities. Machine learning algorithms help businesses predict risks and develop preventive strategies.

Industry Benchmark Reports:

In collaboration with international NGOs, ESG Hub co-publishes or directly adopts high-impact reports on supply chain management. If necessary, it also produces independent reports. These reports include case studies, compliance ratings, and regional risk maps to serve as references for businesses. They are updated regularly to reflect industry dynamics and global trends, such as emerging regulations or areas of public concern.

4.2 利益相关者参与Stakeholder Participation

斡旋机制的有效性在很大程度上依赖于多元利益相关者的深度参与，确保所有群体的关切得到平等关注。

社区代表：

社区是供应链中受影响最大的利益相关者之一，其声音在斡旋过程中的重要性不容忽视。斡旋机制中设立专门的社区代表席位，确保基层意见能够直接传递至决策层。

具体措施：

- **组织社区听证会**：邀请当地居民分享他们的经历和诉求。
- **提供社区斡旋培训**：帮助社区代表更好地参与复杂的供应链谈判。
- **翻译和文化支持**：为非母语社区成员提供语言和文化适应服务，确保他们能充分表达意见。

工会：

工会作为劳动者权益的主要代表，能为斡旋过程提供专业的劳动条件监测数据和法律建议。在斡旋过程中，工会的角色包括：

- **审核和监督劳动条件**，例如工资支付是否及时、工作环境是否安全。
- **参与供应链尽职调查**，识别强迫劳动或过度加班等问题。
- **为劳动者争取谈判权益**，确保斡旋结果落实到位。

国际NGO：

NGOs不仅是供应链管理的观察者，也是标准制定和监督的积极推动者。在斡旋机制中，NGOs的贡献包括：

· **提供全球最佳实践和政策建议**，帮助企业了解并满足国际标准。

· **利用其广泛的网络资源**，为企业与当地社区或政府间的对话搭建桥梁。

· **充当第三方监督者**，确保斡旋过程公开透明。

The effectiveness of the PMM depends significantly on the deep participation of diverse stakeholders, ensuring that the concerns of all groups are equally addressed.

Community Representatives:

Communities are among the most impacted stakeholders in supply chains, and their voices are critical during the mediation process. The mechanism establishes dedicated seats for community representatives to ensure that grassroots opinions are conveyed directly to decision-makers.

Specific measures:

· **Organizing Community Hearings**: Invite local residents to share their experiences and demands.

· **Providing Mediation Training for Communities**: Help community representatives participate effectively in complex supply chain negotiations.

· **Translation and Cultural Support**: Offer language and cultural adaptation services to non-native speakers in communities, ensuring their full ability to express their opinions.

Trade Unions:

As the primary representatives of labor rights, trade unions provide expert labor condition monitoring data and legal advice for the mediation process. Their roles in mediation include:

· **Auditing and Monitoring Labor Conditions**, such as whether wages are paid on time and workplaces are safe.

· **Participating in Supply Chain Due Diligence** to identify issues like forced labor or excessive overtime.

· **Advocating for Workers' Negotiation Rights** to ensure the implementation of mediation outcomes.

International NGOs:

NGOs are not only observers of supply chain management but also active promoters of standards development and oversight. Their contributions to the PMM include:

· **Providing Global Best Practices and Policy Recommendations** to help businesses meet international standards.

· **Leveraging Their Extensive Networks** to facilitate dialogue between businesses and local communities or governments.

· **Acting as Third-Party Monitors** to ensure the mediation process is transparent and accountable.

4.3 多方沟通平台Multi-Party Communication Platforms

斡旋机制需要高效且灵活的沟通平台，将不同背景、不同立场的利益相关者汇聚在一起，以开放对话和协作的方式解决冲突。

定期多方圆桌会议：

每半年组织一次会议，将企业、社区代表、工会和NGO齐聚一堂，讨论供应链管理中的现有问题和潜在风险。定期多方圆桌会议的期望为：

· **议程透明**：提前公布会议议题，确保所有参与方有充足准备。

· **专业支持**：引入独立斡旋专家主持会议，确保讨论高效、无偏见。

· **共识分享**：会议讨论内容会总结产生会议共识和会议未达成共识议题，并在会后分发给与会人员使用。

工作坊：

针对复杂问题（如环境破坏、劳动纠纷），组织专题工作坊，深入研究问题根源并联合设计解决方案。

· **小组讨论**：将与会人员分组，分别研究具体领域（如社区影响、劳动权利）。

· **专家讲座**：邀请法律、环境和人权领域的专家分享专业见解。

· **解决方案试点**：在工作坊期间设计并模拟斡旋方案。

斡旋工作组：

在问题复杂且涉及多方利益时，设立临时工作组，专门负责该问题的斡旋与解决。

· **组建方式**：包括企业代表、社区代表、工会领导和NGO代表。工作组成员定期报告进展，并在关键节点与多方圆桌会议对接。

· **成果输出**：制定针对性的行动计划，包括短期改进措施和长期改善建议。输出案例报告，为未来的斡旋机制提供参考。

The PMM requires efficient and flexible communication platforms to bring together stakeholders from diverse backgrounds and perspectives, fostering open dialogue and collaboration to resolve conflicts.

Regular Multi-Stakeholder Roundtable Meetings:

Held biannually, these meetings gather businesses, community representatives, trade unions, and NGOs to discuss current issues and potential risks in supply chain management. Expectations for these meetings include:

· **Transparent Agendas**: Announcing meeting topics in advance to ensure all participants are well-prepared.

· **Professional Facilitation**: Independent mediation experts will lead discussions to ensure efficiency and impartiality.

· **Consensus Sharing**: Summaries of agreements and unresolved issues will be distributed to participants after the meeting.

Workshops:

Organized for complex issues (e.g., environmental degradation, labor disputes), these workshops delve into root causes and collaboratively design solutions.

· **Group Discussions**: Participants are divided into groups to focus on specific areas (e.g., community impact, labor rights).

· **Expert Lectures**: Experts in law, environment, and human rights are invited to share insights.

· **Solution Prototyping**: Solutions are designed and simulated during the workshops.

Ad Hoc Mediation Teams:

For complex issues involving multiple stakeholders, temporary teams are formed to handle mediation and resolution.

· **Formation**: Teams include business representatives, community leaders, trade union heads, and NGO representatives. Regular progress reports are shared, aligning with key points discussed at roundtable meetings.

· **Deliverables**: Specific action plans, including short-term remedies and long-term improvement recommendations, are developed. Case reports are produced to inform future

iterations of the PMM.

5. 核心功能Core Functions

5.1 **风险识别与预警**：通过定期供应链尽职调查和监测，主动发现潜在的冲突或违规行为。

5.2 **快速响应机制**：在问题爆发前启动斡旋，缩短冲突解决时间，降低社会、环境和经济影响。

5.3 **培训与能力建设**：针对企业、社区和CSO提供斡旋能力培训，提升各方对HRDD和HREDD的理解与实践能力。

5.4 **系统性改进**：总结案例中的共性问题，向行业和政策制定者提供改进建议。

5.1 **Risk Identification and Early Warning**: Proactively identify potential conflicts or violations through regular supply chain due diligence and monitoring.

5.2 **Rapid Response Mechanism**: Activate mediation before issues escalate, reducing the time needed to resolve conflicts and mitigating social, environmental, and economic impacts.

5.3 **Training and Capacity Building**: Provide mediation capacity-building programs for businesses, communities, and CSOs, enhancing their understanding and application of HRDD and HREDD principles.

5.4 **Systemic Improvement**: Extract common issues from cases to offer improvement recommendations for industries and policymakers.

6. 预期成果Expected Outcomes

- **冲突减少**：企业供应链中的冲突频率显著下降，管理风险成本降低。
- **合规性提升**：企业更好地满足国际标准要求，减少违规曝光风险。
- **基层赋权**：社区和工会在供应链治理中发挥更大作用。
- **行业规范改进**：通过积累的案例经验，推动ESG标准的动态优化。

- **Reduced Conflicts**: Lower frequency of conflicts within corporate supply chains, reducing risk management costs.
- **Improved Compliance**: Businesses better meet international standards, minimizing the risk of violations being exposed.
- **Empowered Stakeholders**: Communities and trade unions play a more significant role in supply chain governance.

· **Improved Industry Standards**: Accumulated case experience drives dynamic optimization of ESG standards.

7. 与国际NGO组织的协同作用Collaboration with International NGOs

通过与国际NGO的协作，主动斡旋机制能够整合更广泛的资源和专业知识，为企业提供从人权到环境治理的全面支持，推动高风险行业实现系统性变革。

Through collaboration with international NGOs, the PMM can integrate broader resources and expertise, providing comprehensive support for businesses in areas ranging from human rights to environmental governance. This collaboration drives systemic change in high-risk industries.