

# Global Social Investment

## A Practical Handbook for Corporate Social Responsibility Programs

Madeleine Schachter



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“‘Come in,’ she said, ‘I’ll give you shelter from the storm.’”

*Bob Dylan*

I hope you always have shelter from the storm. And I hope we’re all graced with the opportunity to share our shelter with another.

*Madeleine Schachter*

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# Global Social Investment



# Introduction

Investing in communities to improve world conditions is an investment in ourselves and in the legacy we leave our children. How the private sector, civil society, and governments participate, and how they collaborate, shape our future and determine the fate of our world.

This book considers theory and practice with respect to an overarching query: *What is the problem? And how are you going to help fix it?*

That's it. That's the core strategic approach from which needs are assessed, strategies are crafted, projects are executed, competencies are galvanized, and solutions are engineered and measured.

Framing the question is straightforward. Crafting the response is complex and replete with paradox. The topic of social investment is at once as rife with ethical clarity as it is with nuanced responsibility; as much a moral imperative as it is an altruistic option; as defined in scope as having permeable and imprecise boundaries. Those tasked with implementing corporate social responsibility initiatives seek normative standards even as they prize innovative programs that eschew regulatory paradigms. And the field needs intellectual rigor and professional training even though it appropriately embraces a wide spectrum of disciplines.

Corporate social responsibility (“CSR”) is both an obligation and a privilege, as normative practices and deontic theories conflate. Embedding CSR activities within job responsibilities and commercial strategies is personally rewarding; studies about employee morale, applicant recruitment, and retention of personnel bear this out. Company staff are deprived of significant opportunities for personal fulfillment when CSR tasks are outsourced or delegated to others. As Bob Dylan observed (albeit admittedly in a different context), “You shouldn’t let other people get your kicks for you.”<sup>1</sup> Engaging in social investment activities can make you feel “forever young.”<sup>2</sup>

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1. Bob Dylan, *Like a Rolling Stone, on Highway 61 Revisited* (1965).

2. Bob Dylan, *Forever Young, on Planet Waves* (1973).

But more importantly, far more importantly, the world in which we live is fraught with fragility. One billion people go hungry every day.<sup>3</sup> Every 15 seconds, a child dies from disease attributable to unsafe drinking water, deplorable sanitation, or poor hygiene,<sup>4</sup> and approximately 2.5 billion people lack access to modern sanitation.<sup>5</sup> Each year, nearly seven million children die before their fifth birthday and more than 350,000 women die during pregnancy or childbirth.<sup>6</sup> Nearly 70 million children around the world never get the chance to go to school.<sup>7</sup> It is incumbent upon all of us to remember that so many are in need because of “a simple twist of fate.”<sup>8</sup>

The burgeoning CSR movement portends more social improvements. But corporate initiatives have been proceeding with varying degrees of strategic implementation and impact. Despite the volume of industry and scholarly literature on the topic, there’s little guidance or direction about *how* to implement corporate social responsibility programs or what companies need to understand to ensure they’re effective. There has been an inadequate confluence of theory and practice to ensure that CSR is grounded more in principles than in platitudes. And, too, as theory and practice traditionally have been sequestered, considerable opportunity has been missed for practical experience to inform theory.

Writing a guide to developing global corporate social responsibility platforms within private sector institutions can help fill the void but it’s a presumptuous undertaking. After all, every person, every organization, and every profession is able and entitled to determine how best to function as a good citizen of the world. Overlaying the task is the readily apparent reality that what constitutes global social investment—and as discussed below, how the term is defined and indeed even the verbiage that is most suitable<sup>9</sup>—is itself subject to disparate views, extensive dialogue, and even controversy.

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3. See, e.g., Food & Agric. Org., *More People Than Ever are Victims of Hunger*, 1 (2009), available at [http://www.fao.org/fileadmin/user\\_upload/newsroom/docs/Press%20release%20june-en.pdf](http://www.fao.org/fileadmin/user_upload/newsroom/docs/Press%20release%20june-en.pdf); see also Press Release, Food & Agric. Org., *1.02 Billion People Hungry: One Sixth of Humanity Undernourished—More Than Ever Before* (June 19, 2009), available at <http://www.fao.org/news/story/en/item/20568/icode/>.

4. See, e.g., UNICEF, Millennium Development Goals, Goal 7, available at <http://www.unicef.org/mdg/environmental.html>.

5. See, e.g., Shanaz Musaffer, *Corporate Social Responsibility: Measuring Its Value*, BBC News, Oct. 21, 2012, at <http://www.bbc.co.uk/news/business-19876138>.

6. *Id.*

7. See, e.g., Global Campaign for Educ., *Back to School? The Worst Places in the World...*, at 2 (2010), available at <http://www.campaignforeducation.org/docs/reports/1goal/1Goal%20School%20Report.pdf>.

8. Bob Dylan, *Simple Twist of Fate*, on *Blood on the Tracks* (1974).

9. With respect to definitions of corporate social responsibility, see *infra* at 13.

So a word first about what this book is *not*. This is not a uniform prescriptive guide, meant to be followed and applied by all organizations without any modification. Tactics and techniques must be tailored to the nature and objectives of each firm.

Nor is the book comprehensive. Other books and even entire theses and think tanks have been devoted to nearly every aspect of CSR, its implementation in particular countries, its historical and theoretical underpinnings, or methods for branding and marketing. And every day more is written, new programs are developed, and novel theories emerge. This book does not cover all approaches, illustrate all options, or canvass all programs. No inferences should be drawn about projects, programs, or publications that are not discussed; the laudable ubiquity of scholarship and activities simply is not susceptible to capture even summarily or without duplicating other resources that can readily provide other data and information.

Instead, this book endeavors to synthesize themes and approaches that address the overall approach to identifying and helping to solve a problem, by offering tools and rationales for developing a vision for a CSR program with principled implementation and strategic and impactful programs. It is informed by my work as a legal practitioner and director of CSR, viewed at the intersection of theory and practice which are inexorably and properly intertwined.

Some years ago, when I wrote a book about teaching law, *The Law Professor's Handbook: A Practical Guide to Teaching Law*, I described it as an *amuse bouche*.<sup>10</sup> The guide is “the morsel that a fellow ... chef has laid before you to entice you to prepare for the meal. It's not, to borrow a related metaphor, the meat and potatoes. It doesn't offer substantive course outlines or PowerPoint bullet points for your lectures. The *Handbook* is the prelude. It prepares you, whets your appetite, and contextualizes your teaching experience.”<sup>11</sup> The book doesn't include substantive lectures on legal subjects, but instead helps position the law school professor to develop syllabi, provoke class discussion, incorporate technological tools in lectures, and consider options for student evaluation.

Likewise, this book does not set out a pro bono project to take on, a community service option to initiate, a charitable group to support, or a diversity initiative to implement. Because of the inherent inter-disciplinary nature of corporate social responsibility; the diversity of specialties, professions, affili-

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10. Madeleine Schachter, *The Law Professor's Handbook: A Practical Guide to Teaching Law*, at 5 (Carolina Academic Press 2004).

11. *Id.*

ations, motivations, and hierarchical employment levels of those engaged; and the varied nature and size of businesses and the industries in which they operate, the book offers guiding frameworks, options, and approaches. As well, doctrinal rationales and theoretical aspects of CSR are discussed, so that decision-making about strategies, programmatic focus, themes, and allocations of resources are predicated upon an understanding of how the course that is charted will affect objectives and achieve successful results. At the outset of a program's formation through its daily execution, decisions must be made which demand epistemological foundations—an undertaking whose importance is prominent in a field devoid of uniform standardized performance metrics, codes of conduct, or consistent pedagogy.

By offering perspectives about the rationales and drivers for corporate social responsibility, methods for it, and the utility of it, the book seeks to stimulate a corporate dialogue about how to internalize concepts and constructs for CSR. The book endeavors to expedite the formation of the program and its strategies and protocols, so that the actual work can move forward expeditiously. Thus the book is designed to accelerate attention on socially responsible activities by supporting the overarching framework for them, because the ability to achieve meaningful social change results from both in-depth knowledge about what we seek to reform and pragmatic approaches to achieving change. The book explores the ways in which businesses can achieve social ends as transformative forces to improve the human condition, and can pave the way for exponential advancements in systemic change.

The book is organized into four main sections. First, the book explores theories underlying CSR, such as motivations to engage in social reform and conceptualizations for it. How are general principles of business ethics and corporate integrity that undergird individual and organizational action also susceptible to discrete application? How have constructs for social investment changed over time? What vectors drive corporate responsibility, and to whom are firms accountable as they shape their programs and engage stakeholders? These questions require some explication of the development and evolution of corporate social responsibility, a history that itself belies clear trajectory or consensus. The section then offers guidance about formulating an overall vision for a CSR program to lay the foundation and imprimatur for programmatic execution.

Second, the book examines models for delivery, strategies, and approaches to social investment that illustrate the creativity and commitment of individuals and organizations. The themes focus primarily on multinational and bilateral entities, drawing upon pro bono legal service as an example of the ways in which a CSR program may be executed. This is designed neither to denigrate

the importance of locally-based initiatives nor to minimize the focus on other types of CSR; indeed, such efforts are indisputably comparably critical to advance social change. As local needs and the ways in which they may be addressed generally demand even more specificity and legal, political, and cultural competencies and on-the-ground presence, broader lessons and constructs may be gleaned from multinational endeavors.

Third, the book touches on salient legal, regulatory, ethical, risk management, and related issues that help safeguard the company's interests and promote principled implementation. The book offers issues to consider as proposed initiatives are vetted and scoped, once again drawing upon systems developed in the context of legal pro bono service. However, legal, regulatory, ethical, tax, accounting, and other advice is specifically disclaimed. Such matters vary amongst jurisdictions and typically require an understanding of relevant facts and circumstances. Laws, regulations, and ethical codes may be modified over time, and some caselaw and other principles are included in this book to explain rationales and viewpoints that have developed, but should be independently confirmed before proceeding. Furthermore, no inferences of endorsement should be drawn from references to organizations and groups. Therefore, the book is not a substitute for obtaining advice and for careful vetting, and indeed consultation with professionals is very important, including with respect to due diligence of organizations with which a company may affiliate or associate itself.

The final section of the book discusses impact analysis of social investment programs and initiatives with respect to both returns on investment for the firm and for the community. The development of analytics and metrics to assess productivity and impact is still nascent, especially in the context of cross-border initiatives. As greater resources and attention are applied to corporate citizenship initiatives, it is essential that they be deployed judiciously to ensure optimal impact. And as is the case with other aspects of the book, this section highlights in particular metrics that relate to global systemic social ills, as their entrenchment and complexity scarcely portend facile resolution or clear predictive outcome determinants or evidence-based metrics. Moreover, a global focus recognizes the breath of the world's needs and acknowledges, at least implicitly, that even locally-based initiatives must take into account issues of locality.

The sections' demarcations are also, not surprisingly, inter-related. For example, consideration of a proposed project is plainly tied to assessment of its fit within the company's strategies, careful due diligence and vetting of the project, and prospective analysis of the impact of the efforts. The book's structure can direct a temporal sequence for this process, as well as an approach for consultation and engagement with others. The four sections of the book each

in turn include components that are liberally headed and cross-referenced so that they may be reviewed fairly independently.<sup>12</sup>

Each section of the book also contains sample templates, worksheets, checklists, schematics, or other forms to help summarize or guide the development of a corporate social investment program. These are offered as a pragmatic starting point, to be tailored based on the particular industry and region in which the company is operating, the specific strategies and projects to be implemented, the level of maturation of the company's CSR program, and a host of other factors that the end user of the forms is best positioned to assess.

I have included an array of styles that reference scholarly academic reflections as well as pragmatic approaches. In light of my background and experience, examples and approaches of law firms and corporate legal departments are highlighted throughout. Legal pro bono service provides a helpful prism through which to consider certain aspects of more general CSR, including because of embedded ethical obligations, efforts to leverage professional skills in the discharge of projects, and risk management considerations that cross industries and professions. The legal context is of special relevance to CSR programs because the selection of specific CSR activities is perceived to be discretionary, often inciting pursuit of relatively risk averse options about which counsel is sought from in-house or outside attorneys. Thus attorneys can do more than meet their own corporate social responsibility obligations; they can also counsel their corporate clients. And lawyers can better understand their clients' objectives and values, leading to more opportunities for partnership and enhanced synergies.

Moreover, the pro bono legal movement has accounted for a disproportionate use of other types of professional pro bono services, constituting 60 percent of not-for-profit organizations' pro bono use of free services and thus far surpassing pro bono marketing, human resources, financial and administrative support, financial advisory or consulting, information technology, organizational design or coaching, or board member or executive search volunteer functions.<sup>13</sup>

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12. Accordingly, I have also slightly modified traditional approaches to citation styles, including with respect to short forms of cross-references to citations, in order to facilitate review of discrete sections of the book. The book also includes an extensive index to further assist review.

13. See FTI Consulting & the Taproot Foundation, "Nonprofit Survey: Leveraging Pro Bono Resources" (unpublished data, 2011) (cited in Taproot Foundation, *Powered By Pro Bono: The Nonprofit's Step-By-Step Guide to Scoping, Securing, Managing, Scaling Pro Bono Resources*, at 5, Table I.1, "2011 Pro Bono Use by Nonprofits" (Jossey-Bass Wiley Imprint 2012)).

Conversely, the returns on investment, key performance indicators, and other aspects of business metrics and approaches provide important guidance for the legal profession with respect to other professions' approaches to CSR. As the legal profession grapples with devising more rigorous evaluation of pro bono service and better predictive indicators of the impact of pro bono projects, approaches and systems from other industries provide helpful guidance. Furthermore, while legal service accounts for more than half of the volunteer professional services provided pro bono, the value of the service is far surpassed by other professions' volunteerism.<sup>14</sup>

As a corollary of my illustrative focus on pro bono work, the book alludes to but does not comprehensively cover environmental sustainability issues. In particular, the interplay for manufacturing and other firms between regulatory compliance and stewardship in energy efficiency is not addressed.

References in this book to "company" or "corporation" generally may be fairly read to include law firms, financial services institutions, and either public or private organizations. In a similar vein, references to "stockholder" or "shareholder" may apply to investors in privately or publicly held organizations. The term "non-profit organization" may encompass non-governmental organizations ("NGOs"). Generally, a non-profit organization has registered as such pursuant to the rules or regulations of the country in which it is based; an NGO typically has primarily humanitarian or cooperative, rather than commercial, objectives and is largely independent of government.<sup>15</sup>

For ease of reference, I use the term "corporate social responsibility" or "CSR" interchangeably with related nomenclature. The verbiage is intended to highlight the context of social investment by the private sector without necessarily endorsing or taking issue with any particular phrasing variant.

Ultimately, the book's title and emphasis are aligned insofar as CSR is envisaged as "social investment." Corporate social responsibility, in all its permutations and iterations, is not a separate and discrete enterprise that an organization merely condones. A business' core commercial purpose and its social responsibility are, I believe, most appropriately and most effectively conceptualized as inter-dependent and integratively administered.

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14. See Corporation for National and Community Service, "Capitalizing on Volunteers' Skills: Volunteering by Occupation in America," Issue Brief, September 2008, available at [http://www.nationalservice.gov/pdf/08\\_0908\\_rpd\\_volunteer\\_occupation.pdf](http://www.nationalservice.gov/pdf/08_0908_rpd_volunteer_occupation.pdf) (cited in Taproot Foundation, *Powered By Pro Bono: The Nonprofit's Step-By-Step Guide to Scoping, Securing, Managing, Scaling Pro Bono Resources*, at 6, Table I.2, "Value of Pro Bono Services" (Jossey-Bass Wiley Imprint 2012)).

15. See, e.g., *Glossary*, Impact Reporting & Investment Standards, at <http://iris.thegiin.org/glossary>.

Because ultimately, sustainable social responsibility is an investment in ourselves and in our world.