

# UN Global Compact

## Communication on Progress

March 29, 2020



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# From our Chairman

White & Case became a signatory to the UN Global Compact in 2016, affirming our commitment to doing business responsibly by aligning with its ten principles on human rights, labor, the environment and anti-corruption.

This is our third Communication on Progress. It outlines the steps we took in 2019 to continue to embed these principles in our strategy, culture and day-to-day operations.

Highlights include:

- Our Responsible Business Working Group enhanced its oversight of our supply chain risks by implementing an online portal for environmental, social and governance risk management disclosure by our key suppliers.
- Our Environmental Sustainability Committee implemented an environmental management system across all of our offices. One outcome of these efforts has been the elimination or significant reduction of single use plastics.
- Our Global Citizenship activities, which include our pro bono work, strongly support the UN's Sustainable Development Goals. The majority of our pro bono work in 2019 was aligned most closely with SDG 16 (Peace, justice and strong institutions), which includes work with the UN, individual representation, class action suits and amicus briefs, as well as research on these issues. We also had significant concentrations of pro bono work in the areas of gender equality (SDG 5), quality education (SDG 4) and decent work and economic growth (SDG 8). We continued to see record growth: lawyers in all of our offices and in every practice collectively devoted more than 140,000 hours to pro bono matters.

White & Case is committed to fair and ethical operations that respect human rights and recognize the importance of our natural environment.

Hugh Verrier

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# Human Rights Principles

1. *White & Case supports and respects the protection of internationally proclaimed human rights.*
2. *White & Case makes sure that it is not complicit in human rights abuses.*

Our Responsible Business Working Group chaired by our co-General Counsels includes the heads of Procurement and Global Citizenship as well as representatives from our Global People team and Facilities Management. The Working Group meets quarterly and supports the Firm's Executive Committee and Global Risk Management Committee on policy review and implementation of our commitment to human rights and environmental sustainability. The Working Group is responsible for identifying, reporting and addressing any human rights risks or abuses in our operations or our key suppliers.

Its principal accomplishments to date are:

- the creation and release of our annual [Statement on Slavery and Human Trafficking](#);
- the development of a Supplier Code of Conduct;
- formal integration of environmental, social and governance (ESG) screening into our vendor selection process;
- incorporation of contractual commitments relating to human rights into our vendor agreements;
- the pilot of an online portal for ESG disclosure by our legacy key and significant suppliers;
- incorporation of a supply chain and procurement analysis into our periodic Risk Management Audits in each office; and
- analysis of material supply chain ESG risks in key locations for the most relevant types of suppliers.

Our Global Privacy of Personal Data Policy and local privacy policies in each office spell out our commitment to and processes for protecting the privacy of personal data for all our partners and personnel, their family members, contractors and applicants. Our Client Privacy Policy, posted on our website, sets out our commitment to protecting the privacy rights of our clients and their personnel.

Our Business & Human Rights Interest Group supports our lawyers in providing assistance to our commercial clients on the legal and reputational risks and opportunities they face in addressing human rights issues in their operations and supply chains. The Interest Group also offers practice-specific training sessions on business and human rights developments and a general overview for Business Services Managers. For more detail, please visit [www.whitecase.com/law/practices/business-human-rights](http://www.whitecase.com/law/practices/business-human-rights).

Our Global Pro Bono Practice remains the centerpiece of our Global Citizenship activities. In 2019, we delivered more than 140,000 pro bono hours to provide access to justice, promote the rule of law and serve organizations with social and environmental missions. Highlights in 2019 included:

- White & Case is one of five law firms and two NGOs—European Lawyers in Lesvos and U.K. charity Refugee Legal Support—participating in a new initiative through which our lawyers work onsite at the refugee camp in Lesvos for two-week placements year-round, providing limited-scope legal assistance such as preparing refugees for first-instance interviews, conducting interviews, and assisting with family-reunification applications. By the end of 2019, we had sent 11 lawyers to Lesvos and have sent a further three in the first half of 2020 from our offices in Europe and the Middle East.
- Since 2016, we have reviewed all Voluntary National Reviews, with 158 submitted to date, for The Global Alliance for Reporting on Peaceful, Just and Inclusive Societies to determine the extent to which countries are reporting on SDG 16 (Peace, Justice and Institutions) and its related indicators. Our analysis is helping the UN

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support countries as they report and enhance internal planning and data collection.

- Fourteen lawyers from five offices provided REDRESS and Child Rights International Network with research to inform a comprehensive report on enhancing redress and accountability for child sexual abuse by peacekeepers, the findings of which are being used to inform advocacy at the national and UN levels, and set out a roadmap for potential future strategic litigation.
- A team of 17 from eight offices provided Child Rights International Network with a legal mapping of the statutes of limitations for child sexual abuse in nine Latin American countries. In collaboration with survivor groups, CRIN has used our research to produce a report on the reforms needed and that are underway to target countries for law reform.
- Forty-six lawyers from 15 offices analyzed how legal aid services are provided in 19 countries with the aim of helping the International Legal Foundation (ILF) create consensus on best practices to define and measure the quality of criminal legal aid services. The ILF shared this research with government officials, international legal experts and public defenders from more than 50 countries at the Third International Conference on Access to Legal Aid in Criminal Justice Systems. Conference participants adopted the Tbilisi Declaration calling for “clear performance standards and guidelines that set the minimum activities necessary for providing quality legal aid services.” The ILF continues to use this research in advocacy with UN bodies and member states as it makes the case for global quality legal aid standards to protect poor and vulnerable individuals accused of a crime.
- On behalf of the Public International Law & Policy Group (PILPG), we analyzed relevant laws of Ethiopia’s criminal justice system in the context of pre-trial detention and international human rights standards, which has contributed to a PILPG report that recommends the development of new and enforcement of existing legislation to prevent torture and arbitrary arrest and detention practices.
- We researched the laws relevant to protecting minors from early and forced marriage to support nonprofit Street Child ‘Safer Schools’ project in the Democratic Republic of the Congo, which addresses socially sensitive issues through dialogue and behavioral changes.

### **A focus on US human rights litigation**

- We obtained a US\$27.127 million jury verdict on behalf of Mark Schand after proving that his civil rights had been violated by four police detectives from the Springfield Police Department in a key civil rights case. Mr. Schand spent 27 years in prison after being wrongly convicted of murder in 1987.
- Working with the ArchCity Defenders, St. Louis University School of Law and Civil Rights Corps, we are representing a class of plaintiffs suing the City of Ferguson, Missouri in relation to its operation of a debtor’s prison through the routine arrest and imprisonment of poor, primarily African American residents for their failure to pay fines from minor municipal offenses. Class certification is due in summer 2020.
- Since 2012 we have acted as amicus counsel for a country whose dual-national, a sufferer of Partial Fetal Alcohol Syndrome, faced the death penalty in South Carolina. We argued that his cognitive deficits were similar to the intellectually disabled, making him ineligible for the death penalty. In 2019, the US Supreme Court freed the defendant from death row.
- We lead two solitary confinement cases against Virginia—one representing a prisoner confined for 12 years, facing a total of 31, and another class action to end long-term solitary confinement at two supermax prisons. In the first appeal, our client has now been transferred out of solitary confinement after the state’s lack of mental health care for solitary prisoners was found to violate the 8<sup>th</sup> Amendment. Our class action has already led to preemptive reforms, but we continue to prepare to take the case to trial.



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# Labor Principles

3. *White & Case upholds the freedom of association and the effective recognition of the right to collective bargaining.*

We are committed to a fair and balanced approach to relations with employee representatives. Each office has a Workplace Committee with representation from a cross-section of our people. We support a wide range of vibrant employee affinity groups. Please see below for more information on our affinity groups and our policies related to professional work environment, whistleblowing and discrimination, including discrimination based on trade union membership.

4. *White & Case upholds the elimination of all forms of forced and compulsory labor.*
5. *White & Case upholds the effective abolition of child labor.*

Our annual Statement on Slavery and Human Trafficking affirms our commitment to employees' rights and highlights our adherence to public accountability and transparency. We take a zero tolerance approach to modern slavery and forced labor in all forms within our organization and supply chain. It is the role of the Responsible Business Working Group to identify and address any risks or instances of forced labor or child labor in our operations and supply chain.

We expect our suppliers to share our values and have implemented a supply chain compliance program to impose contractual obligations on all key suppliers, including compliance with relevant laws (including those related to modern slavery) and requirements to impose similar standards on their suppliers.

Our Global Pro Bono Practice actively seeks matters that support the elimination of human trafficking, forced labor and child labor. For example, our Hong Kong office is working with local barristers and a local NGO to represent four female domestic workers from Kenya who are suspected victims of human trafficking. In 2019, our lawyers also represented a number of victims of child prostitution and child abuse through referrals from child rights NGO Agir contre la Prostitution des Enfants. We also provided a broad range of corporate governance, IP and employment advice to End Child Prostitution and Trafficking of Children for Sexual Purposes (ECPAT).

6. *White & Case upholds the elimination of discrimination in respect of employment and occupation.*

Our Global Policy on Equal Opportunity and Professional Work Environment sets out our objective of providing a professional, collegial working environment in which all individuals, whatever their background or status within the Firm, are treated with respect and dignity. White & Case does not permit harassment or intimidation of any sort and will make every effort to provide a working environment free from such behavior. In addition to our global policy, we have a sexual harassment and discrimination policy in each of our offices around the world, as well as a local grievance procedure. Anonymous reports may be made by calling our Whistleblower Hotline or using our web-based reporting tool.

Our commitment to providing equal opportunities to all applies during each phase of an individual's career with White & Case including, but not limited to, recruitment, employment, job assignment, training, promotion, salary and other forms of compensation and termination, in all of the Firm's offices. We have in place systems to ensure full compliance with relevant labor laws relating to employee terms and conditions, including equal pay, and we support the health and financial needs of our employees at different stages of their lives by providing a flexible benefits program. Each year we review all of our policies globally to be sure we are compliant with all local labor laws, including minimum wage, hour laws, sick time, and leave.

We have instituted an upward review process for all lawyers and Business Service Leaders, the findings of which are analyzed for patterns and issues in aggregate. Issues are addressed for individuals or groups via training and counselling.

The diversity of our people is a strength. We continue to work on creating an environment where all who work here are encouraged, assisted and inspired to reach their potential, regardless of race, color, ethnicity, religion, gender, sexual orientation, gender identity or expression, national origin, age, marital status or disability.

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White & Case consistently ranks among the best firms for diversity and inclusion. Highlights of the recognition that we have received for our diversity and inclusion efforts from leading industry organizations, publications and our clients are set out below.

- We were ranked #1 for five consecutive years in 2014-2018 on The American Lawyer's 2018 Diversity Scorecard (a survey of 220 of the largest and highest-grossing law firms) as the most diverse firm in the US and ranked #2 for 2019.
- We were named by Chambers and Partners as "Outstanding Firm for Furthering Diversity and Inclusion" at the Diversity and Inclusion Awards: USA 2019.
- We were one of five finalists for the 2019 Morgan Stanley Leadership and Excellence in Inclusion and Diversity (LEID) award, based on the results of the outside counsel survey of approximately 50 other invited firms.
- We received 2019 Mansfield Rule Certification Plus from Diversity Lab, confirming that White & Case has "affirmatively considered at least 30 percent women, attorneys of color and LGBTQ+ attorneys for leadership and governance roles, equity partner promotions, and senior lateral positions," following receiving 2018 Mansfield Rule Certification in its inaugural year.
- We received Women in Law Empowerment Forum (WILEF) certification as a Gold Standard Firm in the US and UK. We are one of 19 firms that qualified on every criteria in the US, and one of five firms that qualified for both US and UK certification.
- We received a second consecutive #1 ranking for lawyers of color on Law360's 2017 Diversity Snapshot.
- We were named Euromoney Legal Media Group Women in Business Law Awards Winner of Best International Firm for Talent Management (Americas, seventh consecutive year in 2019; Asia, fifth consecutive year in 2019), and received its 2019 Country Awards for Best Firm in Belgium, Finland, Japan and Russia.

The Firm supports nine affinity groups that are open to everyone at the Firm: Spectrum LGBT+ Affinity Groups in the US, London and Germany; LINK Black/Asian/Minority Ethnic (BAME) Affinity Group in London; Colorful (Minority/Migration background) Affinity Group in Germany; and Asian, Black, Hispanic and Middle Eastern Affinity Groups in the US. A key element of our award-winning Global Women's Initiative, we also have 30 local Women's Network across the Americas, EMEA and APAC.

Together, these groups serve as key resources for professional development, support, educational awareness and networking. The groups support pro bono and other global citizenship initiatives, and host events to encourage public discussions with distinguished guests on a variety of topics.

In addition to the establishment of formal initiatives that form the basis of the diversity strategy, we have delivered a mandatory unconscious bias training program in all offices globally to all partners, associates and business services staff. We are developing a second phase of this program to reflect positive behavior change among participants in the original program.

We have conducted Respectful Work Environment training in London, sexual harassment prevention training for US partners, and upward reviews of partners and associates. In 2018, we delivered via e-learning an updated sexual harassment and discrimination prevention training globally. In Autumn 2019, a new e-learning sexual harassment training was delivered to all US offices with modules tailored to comply with state laws and regulations. We also strive to ensure diversity principles are embedded in our learning and development programs.

In 2019, we provided pro bono employment and labor advice to a number of nonprofits and NGOs around the world, including Zoologische Gesellschaft Frankfurt and TraumWerkStadt e.V. in Germany; Harlem Grown, Public Advocates and NYC Mission Society in the United States; and Hautefort and Médecins Sans Frontières in France. Lawyers with our affiliate office in Turkey worked with Refugee Rights Turkey and Refugee Solidarity Network on a pilot program to explore how private lawyers can help fill a capacity gap not covered by state-funded legal aid and NGO legal services. This office is also offering education and counseling on labor procedures, rights and entitlements to Syrian refugees.

# Environmental Principles

7. *White & Case supports a precautionary approach to environmental challenges.*
8. *White & Case undertakes initiatives to promote greater environmental responsibility.*
9. *White & Case encourages the development and diffusion of environmentally friendly technologies.*

Through our Green Initiative, we institute best practices and track our progress across our network to reduce the carbon footprint and waste profile of our operations. The initiative is overseen by the Environmental Sustainability Committee, chaired by the Head of Global Citizenship, which includes our three Regional Chief Operating Officers, as well as representatives from many of our offices and our Global Procurement and Global Technology Services functions.

Our Environmental Sustainability Policy commits us to recognize that our responsibility to the environment goes beyond legal and regulatory requirements. We take a precautionary approach to potentially harmful effects of our operations and are committed to reducing our environmental impact and improving our environmental performance.

Our Environmental Policy calls for us to:

- ensure that we comply with all regulatory requirements applicable to each office worldwide;
- prevent pollution from our activities;
- implement sustainable waste management practices across our offices in order to minimize the quantity of waste we produce and maximize the amount of waste we recycle;
- identify key resources used by each office and implement measures to ensure that we use those resources in an efficient manner;
- effectively manage our carbon emissions by continuing to improve the energy efficiency of our premises and effectively measuring the environmental impacts of our business travels; and
- work with our key suppliers and employees to promote and improve environmental performance.

We have conducted three greenhouse gas emission assessments, most recently in 2018 in collaboration with Greenstone, and in 2010 and 2012 in collaboration with the Carbon Neutral Company.

- Since 2012, our reported per person greenhouse gas emissions in tons of CO<sub>2</sub> equivalent gasses have decreased 36% and our total emissions have decreased 29%.
- Forty-four percent of our reported emissions come from energy use and 44% from business transportation.

We have implemented an Environmental Management System for office-level and Firm-level practices, based on the American Legal Industry Sustainability Standards developed by the Law Firm Sustainability Network. Details of this system and our Green Initiative overall are published in our Environmental Sustainability Report, posted at [www.whitecase.com/global-citizenship/green-initiative](http://www.whitecase.com/global-citizenship/green-initiative).

Highlights of our progress so far include:

- Our London office, our second largest office with more than 800 people, leads our Firm in the sophistication of its environmental practices. It obtained ISO 14001 certification in 2014 and has maintained it each year since. Many of the practices in our EMS are informed by practices already introduced in London.
- 42 of our 44 offices have eliminated or significantly reduced single use plastics and disposable serving wear.
- We pursue sustainability objectives and promote green practices for all new leases and renovations. Our Global Office Design Guidelines are outlined in our Environmental Sustainability Report.
- Our Global Technology Services utilizes regional computer data centers that feature state-of-the-art technology that conserves energy while improving both efficiency and reliability. Servers and other equipment are managed regionally to reduce our equipment needs and power consumption as much as possible. Our Americas data center uses 100% wind power, our data center in Europe provides us with carbon-neutral power from hydropower sources, and our data center in our Asia-Pacific region also uses 100% renewable energy.

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To build awareness among our people and lower our carbon emissions through individual actions, we run an annual Green Campaign. More than 2,000 of our people have taken our Green Pledge to commit to change at least one personal behavior during the year to lower their carbon footprint at home, in the office or on their commute.

Our client-facing Environment & Climate Change Practice handles some of the world's largest and most sophisticated matters requiring the resolution of complex environmental issues. We advise on all aspects of environmental law, including environmental litigation and enforcement, due diligence and transactional advice, compliance and regulatory advice, legislation, climate change, renewable energy and clean technology, and environmental aspects of infrastructure and project development and finance.

We have been recognized by Environmental Finance, a leading sustainable finance publication, for our groundbreaking green bond work as well as our status as an observer member of the industry-led voluntary guidelines—the Green Bond Principles—and as a member of its underwriter legal risk mitigation working group. Our policy advisory work includes the Legal Steering Committee of the Climate Bonds Initiative (CBI), the Bank of England as chair of the G20 Green Finance Study Group, and the select committees of the UK Green Finance Initiative (UKGFI) and Sustainable Development Capital Initiative (SDCI), both partnerships of the City of London with HM Treasury and Department of Trade and industry, respectively.

Our pro bono activities also seek to advance environmental sustainability. Highlights in 2019 included:

- We worked as part of a consortium of law firms under the auspices of the Cyrus R. Vance Center for International Justice to assess existing constitutions and laws in 193 countries to inform a report to the UN Human Rights Council on the right of citizens to a healthy environment. Thirty associates and legal staff in 12 offices, led by nine partners, analyzed 27 of the 193 countries. UN Special Rapporteur on Human Rights and the Environment, Dr. David R. Boyd, will present this research in a report in 2020. The report will include a summary of what is already in place around the world and a number of recommendations for the UN to consider. The objective is a UN resolution recognizing that the right to a healthy environment is a fundamental human right that belongs to every person, no matter where they live.
- We have worked with Conservation International (CI) for more than 16 years, and in 2019 more than 40 lawyers in ten offices were engaged on a variety of conservation finance matters for CI, including ongoing support and investment due diligence for Conservation International Ventures, an investment fund that deploys financing to small and medium-sized enterprises without access to traditional finance whose business models have a potentially transformational impact on the environment.



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# Anti-Corruption Principles

*10. White & Case works against corruption in all its forms, including extortion and bribery.*

We are committed to conducting our activities in accordance with all applicable anti-bribery laws (including the US Foreign Corrupt Practices Act and the UK Bribery Act). Our Global Anti-Corruption Policy contains guidelines, standards and procedures to ensure that we and those acting on our behalf understand and comply with applicable anti-corruption laws in all interactions with our clients, prospective clients, vendors, service providers and others.

Any transaction that might give rise to a violation of this policy and/or any applicable anti-corruption laws must be reported promptly to any administrative director of the Firm, the relevant office executive partner, regional section head or regional chief operating officer or general counsel. Alternatively, anonymous reports may be made by calling our Anti-Corruption or Whistleblower Hotline. Retaliation against any individual who reports misconduct or who participates in an investigation of alleged illegal conduct is strictly prohibited.

Anti-corruption training is provided in each office, is posted on our intranet and is provided to all new hires. It is tailored by function, with procurement, finance and human resources staff receiving specialized training for their areas. Our General Counsel has led training for commercial clients as well.

As part of our annual internal office audit process, we select a group of offices on corruption risk. The audit is conducted by our General Counsel and a member of our Global Risk Management Committee.

Our expenditure reimbursement software is utilized to document all entertainment details and ensure compliance with the corporate entertainment and travel aspects of the policy.

Client Due Diligence (CDD) must be conducted on every new client prior to matter opening. Each new client must be identified, have its identify verified and, where relevant, its ultimate beneficial owner(s) identified and verified. CDD must be verified as up-to-date in relation to existing clients on receipt of each new instruction. The Firm's Compliance & New Business department is responsible for conducting CDD and recording data to confirm compliance.

We also have established a Global Anti-Money Laundering Policy to ensure alignment with the relevant provisions of the Financial Action Task Force, an inter-governmental body which sets international standards on combating money laundering and the financing of terrorism and proliferation. Our network of Money Laundering Reporting Officers ensures that all internal and external reporting requirements are met.

The majority of jurisdictions in which the Firm practices have endorsed those standards and have in place stringent local rules and regulations.

Our White Collar practice covers every phase of corporate compliance and regulatory enforcement for our clients. We provide advice and representation related to risk assessments, compliance reviews, compliance programs and investigations, as well as the application of global sanctions, export controls, and national securities regulations. We assist companies in key areas of regulatory focus, such as money laundering and anti-corruption, including under the US Foreign Corrupt Practices Act, the UK Bribery Act, and Office of Foreign Assets Control statues and regulations.

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# Resources

White & Case Website <https://www.whitecase.com/>

2019 White & Case Firm Annual Review  
<https://www.whitecase.com/2019-annual-review>

Global Citizenship at White & Case  
<https://www.whitecase.com/global-citizenship/>

2019 White & Case Global Citizenship Review  
<https://www.whitecase.com/2019-global-citizenship-review>

White & Case Business & Human Rights Practice  
<https://www.whitecase.com/law/practices/business-human-rights>

White & Case Modern Slavery Act Statement 2018  
<https://www.whitecase.com/global-citizenship/statement-slavery-and-human-trafficking>

Diversity at White & Case  
<http://www.whitecase.com/diversity/>

White & Case Environmental Sustainability Report (updated semi-annually) <https://www.whitecase.com/global-citizenship/green-initiative>