

# UN Global Compact

## Communication on Progress

March 29, 2021



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# From our Chair

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 fourth Communication on Progress. It outlines the steps we are taking to continue to embed these principles in our strategy, culture and day-to-day operations.

During 2020, our Responsible Business Working Group extended its oversight of our supply chain risks to more of our suppliers, and our environmental sustainability efforts saw all four of our offices in Germany switch to renewable energy sources.

The diversity of our people is a strength, and in 2020 we continued to expand and enhance our efforts to ensure a supportive work environment for all. One highlight was the integration of training on avoiding unconscious bias into our leadership development program for managers.

Our Global Citizenship activities, which include our pro bono work, strongly support the UN's Sustainable Development Goals. We continue to have significant concentrations of pro bono work related to SDG 16 (Peace, justice and strong institutions), as well as gender equality (SDG 5), quality education (SDG 4), decent work and economic growth (SDG 8), and reduced inequalities (SDG 10). We are one of the world's largest providers of pro bono legal services. In 2020, lawyers in all of our offices and in every practice collectively devoted more than 146,500 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 is chaired by our co-General Counsels and includes the heads of Procurement, Global Citizenship and Strategy. 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 2020, we delivered more than 146,500 pro bono hours to provide access to justice, promote the rule of law and serve organizations with social and environmental missions.

Highlights in 2020 included:

- Since 2016, we have reviewed all 202 Voluntary National Reviews submitted to date by UN Member States reporting progress on the Sustainable Development Goals 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 support countries as they report and enhance internal planning and data collection.
- With the Cyrus R. Vance Center for International Justice, we achieved a victory for the human rights of detained youth in a Latin American state with far-reaching implications across the region. The case involves a prison fire in which five detained youths died. For years, the victims' families sought justice without success. On behalf of the victims, we

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achieved successful outcomes before the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights. The Court reached a very positive final judgment in the case which confirmed the state's liability, and ordered the state to advance local investigations to determine responsibility, implement a protocol for fire safety in youth detention centers nation-wide, and provide compensation to the victims' families.

- In an award-winning collaboration with five other law firms and two NGOs—and in a program now entirely virtual through videoconferencing—our lawyers continued to provide legal assistance to refugees and asylum-seekers in Lesbos and Samos, Greece by preparing them for their application process and in the event they must appeal a denial. Lawyers also draft essential research memoranda for the Greek Asylum Service to justify the grounds of the asylum request.
- A team of 17 lawyers and legal staff from six offices worked on behalf of the United Nations Special Rapporteur on the Independence of Judges and Lawyers and provided an analysis of emblematic national corruption cases in political institutions and the judicial system with a focus on human rights matters.
- For the Public International Law & Policy Group (PILPG), our lawyers in Dubai and London provided an analysis of the possible options for using universal jurisdiction to pursue accountability for perpetrators of crimes committed against the Rohingya in Myanmar. Our work will inform PILPG's work in securing restitution for the Rohingya.
- Lawyers in the US provided research for the World Coalition Against the Death Penalty on jurisdictions in Africa, Central and South America where a person sentenced to a term of years may receive early release due to good conduct while in prison, regardless of the crime of conviction.
- A team of 23 lawyers and legal staff from four offices prepared a comparative analysis of legislation and regulation on judicial

independence and women's career advancement for The Mexican Association of Women Judges.

- 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
- In 2020, we continued to lead two solitary confinement cases against Virginia—one representing a prisoner who spent confined for at least 12 years, facing a total of 31, and another action with the ACLU of Virginia representing a class of over 700 prisoners seeking an end to long-term solitary confinement at Virginia's two supermax prisons. In the first case, we prevailed at the Fourth Circuit, which reversed a grant of summary judgment to the state and held that Virginia's lack of mental health care for solitary prisoners was found to violate the 8th Amendment. We recently reached a favorable settlement for the prisoner—monetary damages, a transfer to a lower-security prison out of state, and a commitment to never again house the prisoner in a Virginia supermax prison. The second case—the class action—is ongoing. In 2020, a magistrate judge recommended denial of Virginia's two motions to dismiss the case. We are still awaiting a final ruling, but our class action has already led to preemptive reforms. 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 networks. Please see below for more information on our affinity networks 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 2020, our lawyers in Paris also represented a number of victims of

child prostitution and child abuse through referrals from child rights organization Agir contre la Prostitution des Enfants. A team of US lawyers is representing a 17-year-old sex-trafficking survivor as a victim and witness in her trafficker's federal criminal case. 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 to provide a professional and collegial work 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 work 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. Annually, we review all of our policies globally to ensure 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 counseling.

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 thrive and reach their potential, regardless of race, color, ethnicity, religion, creed, gender, sexual orientation, gender (including gender identity and expression), national origin, age, marital status or physical or mental disability and all other categories protected by federal, state or local laws, ordinances or regulations.

White & Case consistently ranks among the best firms for diversity and inclusion. Recent highlights from leading industry organizations, publications and our clients are set out below.

- #1 Most Diverse Law Firm in the AmLaw 50 (seventh consecutive year), Diversity Scorecard 2020
- 2020 winner of Facebook's Law Firm Diversity Champion Award
- 2020 and 2019 Mansfield Rule Certification Plus from Diversity Lab and Certification in 2017 and 2018
- 2020 Women in Law Empowerment Forum (WILEF) certification as a Gold Standard Firm in the US and UK
- 2020 Tipping the Scales Award from the Diversity & Flexibility Alliance, for achieving 50% or more women in our 2020 US-based new partner class
- Twelfth consecutive 100% rating on the 2020 Human Rights Campaign's Corporate Equality Index; thirteenth in 2021
- 2020 Best International Firm Mentoring Programme IFLR Women in Business Law Awards
- 2020 Diversity Initiative of the Year at Italy's TopLegal Awards

- Yale Law Women Top Firm for Promotion Practices in 2020 and Top Ten Firms for Gender Equity and Family Friendliness for 2019

Our commitment to diversity and inclusion aligns with the Firm's global strategic plan and is delivered via two partner-led initiatives: Global Diversity Initiative and Global Women's Initiative. The Firm also supports nine affinity networks that are open to all lawyers and business services professionals globally: Spectrum LGBT+ Affinity Networks in the US, London and Germany; LINK Black/Asian/Minority Ethnic (BAME) Affinity Network in London; Colorful (Minority/Migration background) Affinity Network in Germany; and Asian, Black, Hispanic and Middle Eastern Affinity Networks in the US. A key element of our award-winning Global Women's Initiative, we also have 26 local Women's Network across the Americas, EMEA and APAC.

Our affinity and women's networks serve as key channels for professional development, recruitment and retention of diverse lawyers and business services professionals throughout the Firm. The groups also support pro bono and other Global Citizenship initiatives, and host networking receptions, cultural awareness programs and speaking events to encourage public discussions with distinguished guests on a variety of topics. Additionally, our affinity networks work to foster relationships, both internally and externally, with colleagues, alumni, clients, external organizations and community partners.

In addition to the establishment of formal initiatives that form the basis of our diversity strategy, we have delivered a mandatory unconscious bias training program in all offices globally to all partners, associates and business services professionals. We are currently developing our second phase of this 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

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regulations. We also strive to ensure diversity principles are embedded in our learning and development programs. In 2020, practical workshops on avoiding unconscious bias were integrated into our Milestone programs for people managers. Our plans for 2021 include anti-racism training for partners, senior attorneys and senior business services professionals and the introduction of new modules on the behaviors of inclusion.

In 2020, 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; Action for Russian Children in Russia; Harlem Grown, Help Peru, Inc. and NYC Mission Society in the United States; Operation Fistula and Ellen MacArthur Foundation in the United Kingdom; and Hautefort, Médecins Sans Frontières and Breast Cancer UK 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.



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# 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. We are conducting assessments for 2019 and 2020 emissions in the first half of 2021 in collaboration with Greenstone.

- From 2012 to 2018, our reported per person greenhouse gas emissions in tons of CO<sub>2</sub> equivalent gasses decreased 36% and our total emissions decreased 29%.
- Forty-four percent of our reported emissions came 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.
- Our offices in London and Stockholm have purchased renewable energy for several years and, as of January 2020, all of our German offices (Berlin, Dusseldorf, Frankfurt and Hamburg) have made the switch to renewable energy sources.



- 42 of our 46 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.

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 ground-breaking 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 2020 included:

- In partnership with the American Civil Liberties Union of Michigan and Education Law Center, we reached a US\$20 million settlement for the children of Flint, Michigan who developed special education needs due to lead poisoning from the city's water supply. The settlement will help restructure and improve delivery of special education services to all public school students with disabilities in Flint.
- For Child Rights International Network (CRIN), more than 200 lawyers and legal staff from 29 offices provided analysis to map how children's right to a healthy environment has been implemented in more than 33 countries with regard to the relevant constitutional and legislative provisions, how children can access the courts in environmental cases, and how children's civil and political rights are protected to ensure they are able to raise awareness on environmental issues. Our research will assist CRIN in strengthening its work on behalf of children's rights globally.
- We have worked with Conservation International (CI) for more than 17 years, and in 2020 more than 28 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.
- In partnership with the Conservation Law Foundation, a US environmental nonprofit organization, we worked on two court cases addressing water pollution in Cape Cod,

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Massachusetts, and Maui, Hawaii. Both cases consider the impact of groundwater pollution on surface water and concern recent changes in the federal government's interpretation of how the Clean Water Act applies to groundwater pollution sources that ultimately impact surface waters. In April 2020, the US Supreme Court issued a ruling in the case of *County of Maui v. Hawaii Wildlife Fund*, and held that a permit is required for pollutant discharges that travel through groundwater to surface water when those discharges are the "functional equivalent" of direct discharges to surface water.

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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 identity 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 statutes and regulations.

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# Resources

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

2020 White & Case Firm Annual Review  
<https://www.whitecase.com/2020-annual-review>

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

2020 White & Case Global Citizenship Review  
<https://www.whitecase.com/2020-global-citizenship-review>

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

White & Case Modern Slavery Act Statement 2019  
<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>