



Methodology for Integrating Human Rights into Business Practices: *Success Cases in Central America.*

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Document Based on the United Nations Guiding Principles on Business and Human Rights

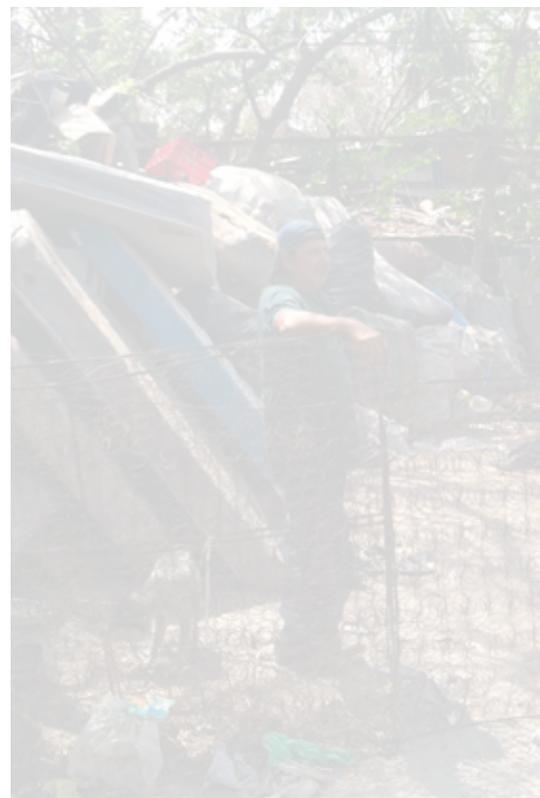


The Netherlands
Ministry of Foreign Affairs



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Human Rights into Business
Practices: *Success Cases in
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Centro de Gestión Tecnológica e Informática Industrial
San José, Costa Rica

Strengthening Human Rights and Decent Work in Central America

First Edition 2014

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1. HUMAN RIGHTS. 2. BUSINESS MANAGEMENT. 3. SUCESS CASES ÉXITO. I. Title.

On the Manual

This manual is based on the practical experience developed in the framework of the project, “Strengthening Human Rights and Decent Work in Central America: Responsible Business Practices Component”, an initiative designed by CEGESTI to promote the enhancement of the regional capacities to ensure respect for human rights and decent work, particularly in the productive sectors of renewable energy, agribusiness and agriculture.

On CEGESTI

CEGESTI (www.cegesti.org) is a private, independent and non-profit organization, dedicated to promote the competitiveness of the productive sector in order to enhance sustainable development in Latin America.

CEGESTI’s Mission

To design and implement innovative initiatives promoting sustainable development.

Social Responsibility Policy

In CEGESTI, we implement social responsibility practices that enable the generation of economic, environmental and social value, while maintaining mutually beneficial relationships with stakeholders and contributing to the well-being of those societies in which we act.

Quality Policy

CEGESTI undertakes the commitment to meet the needs and requirements of its clients and others that apply, as well as the generation of change with the purpose of improving competitiveness in Latin America, by rendering capacity building services towards sustainable development.

A proactive attitude will be maintained, aimed at the search of new technologies and knowledge and the continuous improvement of the effectiveness of the quality management system.

CEGESTI - ISO 9001:2008 Certification

With the purpose of demonstrating its commitment to client satisfaction and to the continuous improvement of the effectiveness of the quality system, CEGESTI has the ISO 9001 certification for its capacity building services in sustainable development. The system was evaluated and certified by SGS following the schemes established by United Kingdom Accreditation Service (UKAS). Currently, our system is certified with the ISO 9001:2008 standard, which is valid up to June, 2016. To see the certificate, please refer to: http://www.sgs.com/clients/certified_clients.htm

¹ This project was financially supported by the Ministry of Foreign Affairs of the Netherlands. The Responsible Business Practices component was executed by CEGESTI.

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

Eleanor Roosevelt

Chair of the committee established by the United Nations

Human Rights Commission to write the Universal Declaration of Human Rights

New York, March 27, 1958

Welcome Message

According to the study conducted by CEGESTI, “Integration of the Social Dimension into Business Practices”, (2013)², there are important opportunities for improvement in the subject of integration of human rights into business practices in the Central American region. This study highlights the existence of gaps in social security coverage, mainly in rural zones and in the agricultural sector; important percentages of workers who do not receive the legally established minimum wage; discrimination against women, demonstrated among other factors, by differences in the wage received compared to men who perform the same type of work, as well as the prevalence of child labor in a range of productive activities.

These situations exist as a result of a combination of factors and circumstances which can be attributed to government institutions, entrepreneurs, workers or other related groups.

With a view to promoting actions aimed at overcoming the indicated deficiencies, and with the support provided by the Netherlands Ministry of Foreign Affairs, CEGESTI has encouraged since 2011 the design and implementation of the present methodology, with the purpose of integrating human rights into business practices, and in this way, ensure the workers’ well-being.

We would like to thank all Central American business organizations for their commitment during the projects’ development, as well as the different multisectoral platforms from Guatemala, Honduras,

El Salvador, Nicaragua, Panama and Costa Rica that have supported us in the hard task of generating policies and actions to promote decent work throughout the region.

“Without regard to human rights, sustainable development is just an illusion.”

Daira Gómez, Executive Director, CEGESTI

² See the Manuals Collection section.

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Human Rights and Responsible Business Practices

In spite of the fact that human rights have always been linked to concepts such as corporate social responsibility and sustainable development, their implementation in practice by socially responsible businesses has been emphasized until recently.

Thanks to initiatives such as the United Nations Guiding Principles on Business and Human Rights, enterprises are paying more attention to the positive and negative impacts generated by their actions, decisions and business practices, not only in their workers, but also in other stakeholders, focusing in the fact that human rights³ are and should be treated as basic rules that ensure the well-being, dignity and equality of all human beings.

The implementation of these “responsible business practices” is aimed at strengthening the enterprises’ capacities in managing the rights established in the International Bill of Human Rights that includes the different civil, political, economic, social and cultural rights of all people.

Furthermore, the management of such rights strengthens the principles of decent work, which address improvements in the working conditions related to fundamental human rights at the workplace, with full adherence to the legislation and international conventions ratified in each country. Among other topics, these provisions take the following into account: appropriate hiring and dismissal practices, minimum wages, vacation periods, working hours, maternity, social security, occupational health and safety, collective rights, child labor, forced labor, freedom of association and

the right to collective bargaining, protection for migrant workers and non-discrimination.

When an enterprise causes a real or potential risk concerning human rights, it also results in a risk to its own interests in the long run, as it can affect its juridical or financial actions or its reputation, among others. Table 1 provides orientation on the existing link between enterprises and human rights.

³ <http://www.ohchr.org/SP/Issues/Pages/WhatareHumanRights.aspx>

Table 1. Link between enterprises and impact on human rights

Type of link between the enterprise and impact on human rights	Description	Examples
<p>In a direct manner, causing the impacts.</p>	<ul style="list-style-type: none"> • Through its own activities or omissions. 	<ul style="list-style-type: none"> • Injuries and deaths at the workplace. • Dismissal on grounds of pregnancy. • Oil spills.
<p>In an indirect manner, contributing to the impacts.</p>	<ul style="list-style-type: none"> • Through operational activities (actions or omissions) or its business relationships. 	<ul style="list-style-type: none"> • Violations committed by suppliers/contractors. • Violations committed by security personnel that protect the enterprise's property.
<p>Through relationships, not contributing to generate impacts.</p>	<ul style="list-style-type: none"> • Directly related to the impacts through the business relationship(s), even though the enterprise has not contributed to the generation of impacts. 	<ul style="list-style-type: none"> • Violations committed by public security when not protecting the enterprise's property.

Source: Guide for Integrating Human Rights into Business Practices.⁴

Due to the significant role of enterprises in the respect for human rights, as well as in the eventual impact on the business' continuity as a result of not complying with these rights, the Guiding Principles clearly establish their responsibility regarding the respect for these rights wherever the enterprises operate.

systematic method through which the enterprises will have the capacity to identify and implement work practices that ensure the respect for human rights, and therefore, ensure the well-being of their workers and other stakeholders regardless of where they operate.

Under this approach, CEGESTI has proposed a

⁴ Guide for Integrating Human Rights into Business Practices. Based on Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, 2013. CEGESTI and the Danish Institute for Human Rights.

Methodology for Implementing Human Rights in Business Contexts

According to John Ruggie⁵, enterprises have the responsibility to respect human rights, which means not failing to comply with others' rights; therefore, the major challenge that must be faced is to become aware of the impact generated by business practices on the compliance of the workers' or other stakeholders' human rights.

In order to integrate human rights into business activities, CEGESTI has created a methodology that presents three general stages to be followed (see Figure 1), which combine training and technical assistance activities to build workers' capacities with the purpose of supporting the introduction of better practices based on the acquired knowledge.

In addition, indicators can be defined to monitor the continuous improvement in the management of working conditions, occupational health and safety, good manufacturing practices and the generation of human resource policies aligned with human rights.

The methodology presupposes the participation of both the managerial and operational staff, knowing that the implementation of improvements will depend on the global commitment displayed by the enterprise's personnel.

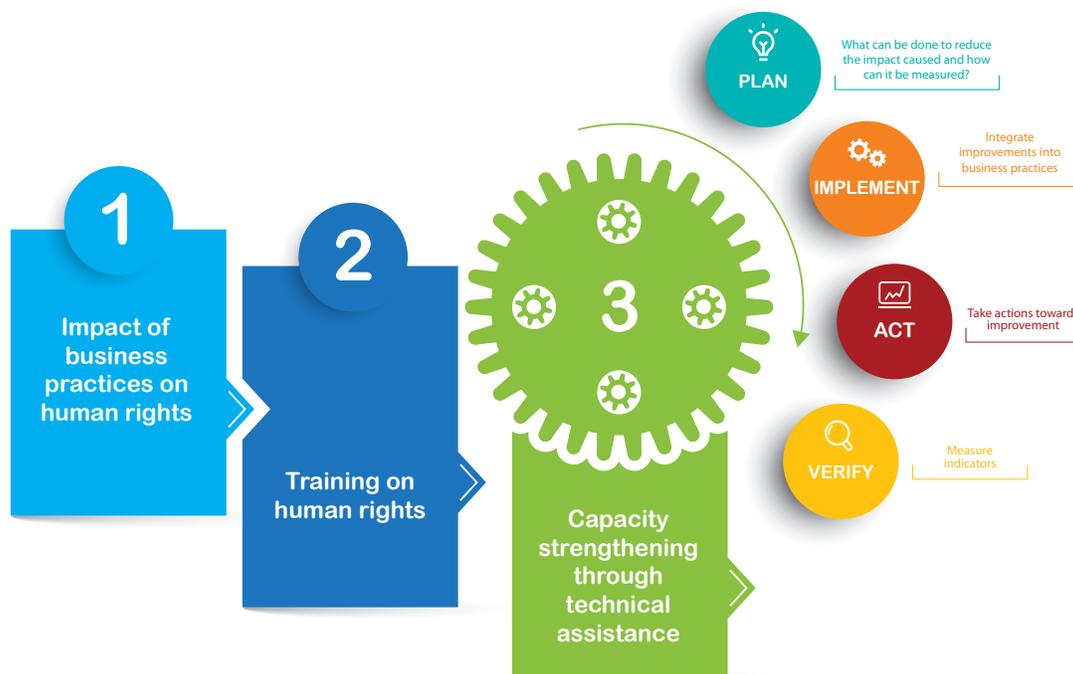


Figure 1

Stages involved in the methodology

⁵ Former UN Special Representative on Business and Human Rights, who was in charge of developing the United Nations and Business' Guiding Principles.

Stage 1. Identifying the Impact of Business Practices on Human Rights

In the subject of human rights, the evaluation of business practices considers the commitment and integrated participation of those responsible for the functions developed in the business, such as sales, marketing, human resources, strategic management, production, purchases and quality control, among other functions.

The objective is to identify the existing or potential risks in the field of human rights to be able to understand which measures need to be adopted by the enterprise in order to prevent and mitigate such risks⁴.

The topics to be considered during the identification of the gap, as well as the instrument and time that should be invested in its application will depend on the context in which the organization is operating. According to CEGESTI's experience, the following are some of the key issues that must be taken into account:

Occupational health and safety conditions: occupational health and safety practices, signposting physical risks or objects in work areas, roofs, floors and walls, emergency exits, stairs, ramps and walkways, work area cleaning, storage and handling of materials and chemical substances, machinery, equipment and tools, fire hazard, electricity, noise, lighting, ventilation, temperature and humidity, ergonomics, personal protective equipment and handling loads, among others.

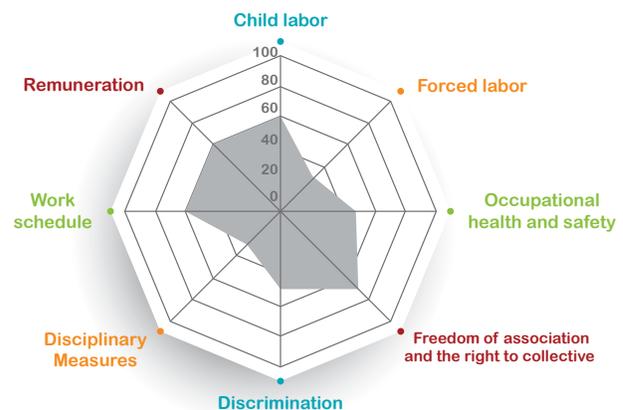
Human Resource and compliance of working conditions: Labor relations and work, working conditions and social protection, social dialogue, human development and on-site training, risk

situations for human rights, discrimination and vulnerable groups, economic, social and cultural rights and principles and basic rights at the workplace. It is suggested to use the Business Diagnosis Guide (see annex on Manuals Collection).

Good Manufacturing Practices: Building, personnel, storage and transport of raw materials and end products, production process controls, among other issues related to the prevention of health risks in food production or other consumable products.

Guiding Principles Self-Assessment: The Practical Guide on Human Rights and Business developed by CEGESTI with the support of the Danish Institute for Human Rights is used as a reference, which includes a series of questions with the purpose of assessing the guiding principles.

Social Evaluation



Further information on these and other topics is available free of charge at www.cegesti.org.

As a result of this stage, an initial diagnosis is obtained, indicating the assessed condition, the status of the identified compliance and the evidence obtained. It is suggested to use a graphic representation facilitating the socialization of the result⁶.

Stage 2. Training on Human Rights

The compliance of human rights manifests itself in the activities carried out on a daily basis by the workers on behalf of the enterprise for which they work; therefore, it is important to ensure their knowledge regarding the implications of its execution, as well as the enterprise's commitment to provide conditions of well-being during the execution of activities

The type of training to be applied will depend on the organization's conditions, for which it is recommended to consider the offer made by the United Nations via Internet, through the Office of the High Commissioner for Human Rights in its page www.ohchr.org. Furthermore, according to CEGESTI's experience, the following topics should be considered for the training activity:

- **Guiding Principles on Human Rights and Business.**

- **Good business practices for the implementation of decent work.**

Importance of working conditions and labor rights compliance pursuant to national legislation and international covenants (CEGESTI recommends to include the participation of an attorney with labor experience for the presentation of this topic).

- **Importance of working conditions and compliance of human rights.**

Human Resource Policies.

- **Good practices for the implementation of occupational health and safety.**

CEGESTI has a series of pre-recorded virtual training activities available, on topics such as social responsibility and human rights, free of charge at <http://www.cegesti.org/virtualclassroom.html>

Stage 3. Capacity Strengthening

The following stage (see Figure 2) consists of ensuring the implementation of effective solutions to reduce human rights noncompliance in business practices under a continuous improvement approach. In this stage, the indicators associated to priority issues are very useful, which, at the same time, facilitate decision making processes.

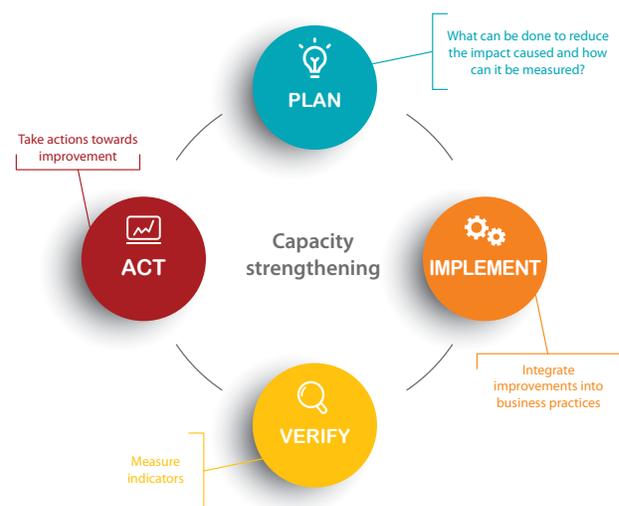


Figure 2

Implementation of Improvements

⁶ Source: Manual of Corporate Social Responsibility (see section Manual Collection).



What can be done to reduce the impact caused and how can it be measured?

Based on the initial diagnosis referred to in stage 1, there will be a “picture” of the organization’s current situation regarding human rights compliance in its business practices. This picture will enable the enterprise’s authorities to become aware of the identified risks, and in that way, prioritize their implementation.

As part of the commitment to improve the respect for human rights, according to the applied evaluation, it is important that the enterprise makes a statement expressing the assumed responsibility. As indicated in the Guiding Principle 16⁷, this involves a human rights policy through which the enterprise states

its intention to bear responsibility for respecting human rights.

As a reference for policy development, the guide published by the United Nations is available, which, among other contributions, provides orientation on the implementation of the guide proposed by the UN.

The planning stage takes into account the development of plans that draw up the improvements to be made in order to diminish the impact of business activities on human rights. These plans are based on the definition of an objective, including detailed goals with concrete indicators for their measurement.

Objective	Indicator	Goal	Improvement Plans
What do we need to improve to reduce the impact?	How will we measure if we are improving?	To what extent do we wish to improve?	What actions will we implement to achieve the improvement?

⁷ Guide for Integrating Human Rights into Business Practices. Based on Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 2013. CEGESTI and the Danish Institute for Human Rights.

In order to demonstrate the impact of the improvement, it is possible to devise a set of indicators for monitoring purposes. Some examples related to human rights can be observed in Table X:

Human right	Indicators ⁸
<p>Right to an adequate standard of living</p>	<p><i>Working conditions:</i></p> <p>Number of employees with at least the minimum wage established by law.</p> <p>Number and frequency of inspections related to compliance of occupational safety standards.</p>
<p>The right to work</p>	<p><i>Working conditions:</i></p> <p>Proportion of labor compliance inspections in the Enterprise, in accordance with the law.</p> <p>Number of employees with at least the minimum wage established by law.</p> <p>Relation between the wages of men and women according to the profile of every job position.</p> <p>Policies or guidelines established against any kind of discrimination in the enterprise.</p> <p>Mechanisms established by the enterprise to report forced labor situations.</p> <p><i>Human Resource Management:</i></p> <p>Number of employees that have written employment contracts (segmented by type: indefinite, temporary, among others), according to the country's labor laws.</p> <p>Number of employees with recent training for the work performed (amount of training hours per employee during the last year).</p> <p><i>Occupational health and safety management:</i></p> <p>Number of occupational accidents or diseases that occurred during the project's time period.</p>
<p>Rights of women to equality</p>	<p><i>Working conditions:</i></p> <p>Policies or guidelines established against sexual harassment in the enterprise.</p> <p>Proportion of labor compliance inspections in the enterprise, according to law.</p> <p>Mechanisms established by the enterprise to report sexual harassment or harassment at work.</p>

⁸ Human Rights Indicators: A Guide to Measurement and Implementation, 2012. www.ohchr.org

In Annex 1, indicators to measure improvement show the consistency between indicators of different voluntary instruments, in which improvements can also be drawn up.

As well, the site <http://www.negociosresponsables.org/publicaciones.html> includes a series of research resources, practical guides, manuals and data sheets, all of which are related to the implementation of responsible business practices

These can be analyzed to identify improvements that can be put in place in their own companies/enterprises.

The following figure shows some examples of improvement plans:



Figure 3

Improvement Plans



Integrate
improvements into
business practices

Each defined improvement plan must be led by a responsible authority, who will be in charge of communicating it to the people linked to it, and coordinate the implementation of proposed activities. During their presentation, the collaborators should bear in mind the commitment taken by the enterprise through its human rights policy, as well as the expectations stated in the indicators.

As the improvement plans are implemented, the responsible authority will be able to gather information related to the defined indicators.

It is important to consider that the actions to be implemented should ensure their permanence in time; therefore, they can be related to procedures, manuals, guides, policies and any other type of documentation that allows its application consistently.

Actions may include the preparation of bulletins, talks or workshops to explain the responsibility of respecting human rights and the consequences of failing to do so.

Further information on improvement actions implemented in enterprises is detailed in success cases documented by CEGESTI at <http://www.negociosresponsables.org/casosdeexito.html>.



Measure
indicators

Any improvement initiative requires a control in order to verify if the expected results are being obtained. In the case of improvement plans, this control is carried out by performing follow-ups of the activities and stated indicators.

It is expected that the result of the indicated follow-up demonstrate the progress of the proposed activities, as well as any possible adjustments that must be applied to ensure their compliance.

The person responsible for each improvement plan will draw the conclusions indicating if the indicators have displayed positive or negative progress, and will verify the compliance of the activities included in the plan and the measures to be taken if deemed necessary.



Take actions towards
improvement

The objective of the methodology is that each organization becomes aware of the progress achieved in the implementation of good practices and identifies new improvement opportunities. Once the analysis of the indicators developed in the previous stage has been conducted, the improvements or activities to be carried out need to be reviewed.

If the proposed goal for the indicators is not reached, it is recommended to perform an analysis of the causes and implement actions to help achieve the goal. Several possible causes are usually identified, such as the lack of time to implement the activities, the absence of the necessary knowledge to implement the improvement and resource requirements, among other factors.

As advances are being made in the implementation of these good practices, the enterprises should establish policies, procedures or additional improvement plans by developing other necessary improvements in human rights with greater detail, according to its political commitment.

Further information on improvement actions implemented in enterprises is included in the success cases documented by CEGESTI at <http://www.negociosresponsables.org/casosdeexito.html>.

Success Cases

According to the previously mentioned methodology, and in the framework of the project “Strengthening Human Rights and Decent Work in Central America: Responsible Business Practices Component”, CEGESTI provided technical assistance during the 2011-2014 period to the following enterprises that are part of the agribusiness, agricultural and renewable energy sectors:

Cooperativa Agropecuaria de Servicios Santo Tomas R.L., (Santo Tomás R.L Agricultural Services Cooperative) in Santo Tomás de Chontales, Nicaragua

Asociación Hondureña de Productores de Energía Renovable (Honduran Association of Renewable Energy Producers - AHPER), Honduras

- La Esperanza Hydroelectric Project
- Cuyamel S.A. Hydroelectric Company

Asociación Pueblos en Acción Comunitaria (Association People in Community Action - PAC), Nicaragua

RENEWABLES, Nicaragua

- Salto Mollejonos Hydroelectric project - Wapí, S.A. (HISMOW)
Asociación para el Fomento Dendroenergético de Nicaragua (Association for the Promotion of Dendro Energy – PROLEÑA, Nicaragua.

Thanks to the support received, the enterprises obtained important results in their capacity to introduce better practices of respect to human rights and decent work. Several of their achievements are mentioned as follows:

1. Commitment of respect to these rights, established both in the Human Rights Policy and Occupational Health and Safety Policy.

2. Human Resources:

- Organizational Chart design

- Development of profiles of job positions and job positions manual.
- Development of training plan, process of general induction to job position.
- Application and contract formalization.
- Development and application of procedures for personnel recruitment and selection, human resources and vacation periods.
- Improvement of or creation of Internal Work Regulations, renovation of farm regulations.
- Establishment of procurement criteria promoting responsible labor practices.
- Improvement of internal communication.
- Talks delivered in schools (children’s rights, child labor, importance of occupational health and safety for their parents in the field, cleanliness and hygiene).
- Development of a methodology to apply performance evaluations.

3. Occupational Health and Safety:

- Preventive signposting of existing risks and emergency signals.
- Training for use of personal protective equipment.
- Development of occupational safety manual.
- Infrastructure improvements (lighting, order in storerooms, keeping paths weed-free, handrails, non-slipping adhesive tape in stairs, emergency lamps).
- Implementation of accident recording.
- Placing and locating fire extinguishers.
- Training in first aid kit management and first aid brigade.
- Development and implementation of emergency response plan and drills.
- Improvement in chemical product storage and containment conditions.
- Occupational health and safety induction to contractors and visitors.
- Hazard identification (processing areas and sketches of farms).
- Improvements in use and handling of sharp tools.
- Order in storerooms applying the 5s (order and cleanliness)
- Basic first aid training/chemical product handling/handling loads/use of personal protective equipment.

- Development and implementation of welding and oxiplasma cutting machines instructions manual (most dangerous activities).
- Process Flow Restructuring in plant.

4. Improvement in food safety conditions to mitigate consumer health risks.

- Implementation of water potabilization controls.
- Development of waste management program.
- Development of preventive equipment maintenance program.
- Implementation of personnel health control per semester.
- Training in cleanliness and hygiene standards.
- Improvement in latrine conditions.
- Improvement in solid waste disposal in the field.

Documented success cases have been published at <http://www.negociosresponsables.org/casosdeexito.html>.

Annex 1. Indicators to Measure Improvement

The establishment of indicators is one of the main elements to promote effective compliance of human rights. Its use enables efficient information recording, as well as concrete communications on the commitment assumed by enterprises regarding the integration of human rights into their practices.

The selection of indicators must be relevant to the context in which the enterprise is located and its current state of human rights compliance. This encourages its use and analysis towards improvement.

Indicators use different internationally recognized voluntary instruments. The following is a correspondence analysis between the main voluntary instruments and some human rights linked to business practices:

Millennium Goals ⁹	Human Right ¹⁰	UNO Principles ¹¹	Fundamental Rights at Work, ILO ¹²	Global Reporting Initiative ⁴ ¹³	UNO World Compact ¹⁴	UNO Guide on Indicators for Human Rights ¹⁵
ODM1 Goal 1.A.	Right to an Adequate Standard of Living.	PR 11 PR 15	Eradication of forced or compulsory labor.	LA 1	PR 1	Number of employees who have at least the minimum wage established by law.
ODM1 Goal 1.B.	Right to work.	PR 16 PR 17 PR 19 PR 20 PR 21 PR 23 PR 24	Freedom of association and freedom to organize convention and the right to collective bargaining. Eradication of forced or compulsory labor; Abolition of child labor. Elimination of discrimination in respect to employment and occupation.	LA 1 LA2 LA10 LA 7	PR 4 PR 6	Proportion of labor compliance inspections according to law within the Enterprise. Number of employees who have at least the minimum wage established by law. Relation between the wages of men and women per job position profile. Policies or guidelines established against any kind of discrimination in the Enterprise. Mechanisms established in the enterprise to report forced labor situations. Number of employees who have written employment contracts (segmented by type: indefinite, temporary, etc.), pursuant to the country's labor laws.

⁹ Human Rights and the Millennium Development Goals in Practice: A review of country strategies and reporting, 2010. www.ohchr.org

¹⁰ International Bill of Human Rights. www2.ohchr.org

¹¹ Guiding Principles on Business and Human Rights, 2011. www.ohchr.org

¹² ILO Declaration on Fundamental Principles and Rights at Work. <http://ilo.org/declaration/lang-es/index.htm>

¹³ Global Reporting Initiative. www.globalreporting.org

¹⁴ Global Compact Principles. www.unglobalcompact.org

¹⁵ Human Rights Indicators: A Guide to Measurement and Implementation, 2012. www.ohchr.org

Millennium Goals ⁹	Human Right ¹⁰	UNO Principles ¹¹	Fundamental Rights at Work, ILO ¹²	Global Reporting Initiative 4 ¹³	UNO World Compact ¹⁴	UNO Guide on Indicators for Human Rights ¹⁵
						<p>Number of employees trained for recent job (amount of training hours per employee during the last year).</p> <p>Number of occupational accidents or diseases occurred during the project period.</p>
ODM 3 Goal 3.A:	Women's Right to Equality	PR 7	Elimination of discrimination in respect to employment and occupation.	LA13	PR 6	<p>Policies or guidelines established against sexual harassment at the workplace.</p> <p>Proportion of labor compliance inspections carried out in the enterprise.</p> <p>Mechanisms established in the enterprise to report sexual harassment or harassment at work.</p>

CEGESTI is a private, independent non-profit organization that promotes sustainable development in Latin America.

Manuals Collection

<http://www.negociosresponsables.org/publicaciones.html>



Practical Guide on ISO 26000



Practical Guide on Human Rights and Business



Practical Guide on Good Practices of Decent Work in Material Recovery Sector



Business Assessment Guide, Learn and Improve your Labor Compliance



Integrating the Social Dimension into Business Practices: Guatemala, Nicaragua and Panama

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