

# Proposal for the identification of stakeholders and their legitimate demands from the perspective of human rights in Mexican SMEs

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**ABSTRACT** One of the biggest challenges of contemporary companies is to be productive and competent, but at the same time, to respond to the legitimate demands of society and their stakeholders. While it is true that the protection and no violation of human rights is one of those social obligations, based on the parameters of the Global Compact and the Guiding Principles on Business and Human Rights being respectful is not enough. This article aims to respond to this situation by presenting the need to adopt a model to identify stakeholders from a human rights perspective that focuses on a better integration of the needs and demands of these groups for the adoption of actions that not only respect but also promote and look for stakeholder development. The relevance of this proposal is justified on the analysis of the data on Mexican SMEs signing the Global Compact, based on their progress reports after their adhesion to the pact.

**KEYWORDS** Organizational ethics, social responsibility, stakeholders.

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## Propuesta para la identificación de grupos de interés y sus legítimas demandas desde los derechos humanos en pymes de México

**RESUMEN** Uno de los mayores retos de las empresas contemporáneas es ser productivas y competentes, pero a su vez, responder a las demandas legítimas que la sociedad y sus grupos de interés les exigen. Si bien la protección y no violentación de los derechos humanos se constituye en una de estas obligaciones sociales, con base en parámetros del Pacto Mundial y los Principios Rectores para la Empresas y los Derechos Humanos, el ser respetuoso no es suficiente. El presente artículo busca responder a esta situación, al plantear la necesidad de adoptar un modelo de identificación de los grupos de interés desde una perspectiva de derechos humanos que apueste a una mejor integración de las necesidades y demandas de estos grupos, para la adopción de acciones que no solo respeten, sino que también promuevan y busquen el desarrollo de los derechos de los grupos de interés. La relevancia de esta propuesta se argumenta en el análisis de datos arrojados por los reportes de pymes mexicanas firmantes del Pacto Mundial, con base en los reportes de progreso que dichas organizaciones han realizado a partir de su adhesión al pacto.

**PALABRAS CLAVE** ética organizacional, responsabilidad social, *stakeholders*.

## Proposta para a identificação de grupos de interesse e suas legítimas demandas a partir dos direitos humanos em PMEs do México

**RESUMO** Produtividade e competência, esses são os principais desafios das empresas contemporâneas, mas ao mesmo tempo, responder às demandas legítimas que a sociedade e seus grupos de interesse exigem. Ainda que a proteção e não violação dos direitos humanos sejam estabelecidas como uma dessas obrigações sociais, com base em parâmetros do Pacto Mundial e dos Princípios Orientadores sobre Empresas e Direitos Humanos, respeitar não é suficiente. O presente artigo busca responder a essa situação, ao propor a necessidade de adotar um modelo de identificação dos grupos de interesse a partir de uma perspectiva de direitos humanos que aposte em uma melhor integração das necessidades e demandas desses grupos, para a adoção de ações que não só respeitem, senão que também promovam e busquem o desenvolvimento dos direitos dos grupos de interesse. A relevância dessa proposta é argumentada na análise de dados lançados pelos informes de PMEs mexicanas que assinaram o Pacto Mundial, com base nos relatórios de progresso que essas organizações realizaram a partir da sua adesão ao pacto.

**PALAVRAS CHAVE** ética organizacional, responsabilidade social, *stakeholders*.

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## Introduction

Nowadays, globalization seems to be the most relevant feature of this century and it is present in organizations through a highly competitive environment, constant changes in production times as well as an institutional environment with more competent workers and more demanding customers. All of this forces companies to integrate diverse and innovative approaches and perspectives in their policies, with the idea of obtaining more permanence and market integration and respond to the demands of society and stakeholders in a better way (Peláez, 2015). International proposals like the Global Compact or the Sustainable Development Goals have emphasized the need of an organizational commitment to solve social problems, so today's companies have more to consider than their predecessors (Mota, Castelo & da Silva, 2015).

Therefore, the plans to face this new globalizing phenomenon go beyond proposing concrete actions, as it was done by some social responsibility or corporate philanthropy models, so these plans can influence corporate decision making and the companies' reason of being (Cantú, 2013). This makes elements such as organizational culture and internal governance fundamental to respond to new context needs, as they are an action guide that defines the organization's behavior, interaction and elections in regards to the stakeholders (Calderon, Murillo & Torres, 2003). However, how to identify those elements that are actually legitimate demands of corporate stakeholders? How to differentiate these organizational obligations from social responsibility actions that do not have a real impact on organizational agents? How relevant is this for Mexican SMEs?

This article aims to answer these questions by suggesting the need to adopt a model to identify stakeholders from a human rights perspective that focuses on a better integration of these groups' needs and demands within a responsible, flexible and comprehensive model. The relevance of this proposal is justified on the analysis of the reports of the Mexican SMEs that have adhered to the Global Compact. The Global Compact is considered an analysis tool, as it is one of the most relevant and representative international efforts in terms of company participation in relation to the challenges set by the UN in the Sustainable Development Goals, as they encompass human rights, environment protection and anticorruption policies.

## Theoretical Framework

### Human rights as a social obligation of contemporary companies

During the World Economic Forum in Davos in 2016, Ban Ki-moon, former secretary of the United Nations, had the opportunity to address the leaders of the private sector and set out the need to engage at an international level in the construction of a more equitable world that is also respectful of the environment and human rights (Ki-moon, 2016). This point perfectly matches what is expected after the Global Compact, a corporate sustainability initiative of international impact created in the framework of the Millennium Development Goals (Urteaga, 2008). This pact is a call for the companies to align their strategies and operations with the universal principles of human rights, labor standards, the environment and the fight against corruption, as well as to carry out all the necessary actions to promote the advancement of the Sustainable Development Goals (UN Global-Compact, 2015).

The companies joining the Global Compact shall look for the development of corporate practices that match the following principles (Global Compact, 2015): 1. Human rights support, respect and protection within their influence scope; 2. Ensure that their activities are not accomplices of human rights violation; 3. Support to freedom of association and the effective acknowledgement of the right to a collective negotiation; 4. Support the elimination of all forms of forced or under compulsion work; 5. Support the eradication of infant work; 6. Support the abolishment of discriminatory practices in labor and employment; 7. Maintain a preventive approach that favors the environment; 8. Support initiatives that promote better environmental responsibility; 9. Support the development and dissemination of environmentally-friendly technologies; and 10. Work against all forms of corruption, including extortion and bribe.

Under this compendium, the Global Compact promotes an evolution in the business vision towards social topics, where social responsibility and the strengthening of human rights are a fundamental part of corporate sustainability by being integrated in the organization's daily operations and processes and in its mission, vision and institutional objectives (Pedroza, 2007). As Gustavo

Pérez, president of Global Compact Mexico said, the goal is that companies do not consider social responsibility and protection of human rights as an expense, as it used to happen with philanthropy. On the contrary, they should be considered an investment and a natural part of the organization, as is the case in responsible business models (Trejo, 2015). However, this is not the only initiative of this kind, since in 2011 the United Nations Human Rights Council approved by consensus the “Guiding Principles on Business and Human Rights”, which are the main contribution made by the UN in business and human rights issues. These principles implement the “Protect, Respect and Remedy” framework that the UN itself had approved in 2008.

For our proposal, it is expected that in addition to following the Global Compact principles on human rights, companies observe Principle 15 of the Guiding Principles, which states:

In order to meet their responsibility to respect human rights, companies should have in place policies and processes appropriate to their size and circumstances, including:

- (a) A policy commitment to meet their responsibility to respect human rights;
- (b) A due diligence process on human rights to identify, prevent, mitigate and account for how they address their impact on human rights;
- (c) Processes to enable the remediation of any adverse human rights impacts they cause or contribute to. (Ruggie, 2011, p. 17).

The first demand, a policy commitment to respect human rights, should be present at least in the company’s code of conduct, although ideally it should be properly incorporated within the mission or vision (Alfonso, 2013). The following demand is to carry out a due diligence process oriented to determine the real or potential impacts on human rights caused by their operation, as well as the measures that should be taken in order to prevent abuse and how to account for actual abuse. The last demand implies the responsibility to establish mechanisms and processes that guarantee the remediation of any human rights violations, which requires “the establishment of explicit and comprehensive policies” (Vives, 2014, p. 35) and the management’s determination to implement them.

The process that allows companies to fulfill the established demands in these guiding principles, as well as the commitment imposed by the Global Compact, is generally difficult in regards to the obligation of not violating human rights, which can be inferred by analyzing that only 1% out of the 80.000 transnational companies in the world have set such policies (Vives, 2014, p. 35). However, the problem turns out to be even more complex when two other company obligations with regard to human rights are considered: their protection and promotion or their effective implementation. This difficult but unwavering task demands the implementation of a proactive and virtuous vision regarding social responsibility (Tangarife-Pedraza, 2008), both when setting up corporate policies and when involving the organization in the discourses that reflect and try to solve public requests on protection and fulfillment of human rights (Ibáñez & Ordoñez, 2014). All of the above should be noted at least as a principle in the organization’s basic documents with the purpose of assigning an ethical content to them and making them enforceable in and out of the company.

### Human rights as legitimate demands of stakeholders

The first reference on stakeholders is the classic work “*Strategic Management: A Stakeholder Approach*”. Its author, Richard Edward Freeman, defined what years later would be understood as *stakeholders* or groups of interest, presenting the concept as: “Any group or individual that can affect or be affected by the company’s achievement of goals” (Freeman, 1984, p. 24).

Something distinctive of Freeman’s proposal is that he sees the company as a network of relationships that do not only affect the legal and social character but also the moral, as the relationship between groups or individuals and the organization promotes a value structure based on what is correct or incorrect for both around their decisions and actions (Ribeiro & Ferreira, 2003). Additionally, Freeman clarifies how the stakeholders’ demands have to be considered by the company in order to be responsible with them, based on everything that can be related to its objective or organizational mission (Rodríguez, Moreno & Vázquez, 2016).

García-Marzá (2007) states that this necessary relationship between stakeholders and the

company forces the creation of a dialogue that includes all the members affected by the organization's decisions, in order to set effective communication channels that allow determining the legitimate interests and values that demand fulfillment from both sides. When determining the above, the company finds the possibility to propose and design strategies to try to satisfy and stick to those values, which can be simple specific actions or more profound structural modifications. Consequently, companies should be able to adequately identify all stakeholders and take into account their ability to have a dialogue with the organization, their expectations and the legitimate demands that individuals consider relevant (Raufflet, Lozano, Barrera & García, 2012).

According to Cortina, Conill, Domingo & García-Marzá (2000), stakeholder identification should necessarily include a dialogue built from communication and transparency, based on an ethical and legal model that considers the organization as an integrative entity. The consequence of this is being able to identify the groups and their interests and also classify them according to their individual, group and global interests. Additionally, the groups will not only be considered as affected but as legitimate interlocutors that can influence corporate decisions and activities. On the other hand, the dialogue with stakeholders promotes understanding and consensus on universal interests in order to identify them, adopt them and develop them as a comprehensive part of organizational goals (Niño de Guzmán, 2015).

Habermas (2000) would say that dialogue is a requirement for solving and generating strategies, which requires a global principle whereby it can be established that a decision is morally right when it can or could be accepted by all the people concerned at present or in the future. This way, the identification and communication with stakeholders attempts at reaching consensus about corporate regulations and procedures that respond to global interests such as human right protection, which should determine organizational management, as well as all the actions carried out by the company.

For this reason, this article suggests the need to adopt a stakeholder identification model from a human rights perspective that opts for better integration of legitimate demands and global interests of stakeholders, in order to have better coherence between organizational policies and their

commitment to support the development of these groups.

## **Proposal for the identification of stakeholders and their legitimate demands from a human rights perspective**

The implementation of a human rights perspective within the organization demands stakeholder identification, as well as the consideration of their legitimate interests. In order to determine how the company should proceed regarding its stakeholders, the proposal from the Ethical Adequacy Processes in the Organizations (PAES in Spanish) by De la Cruz & Sasía (2011) will be used. The authors have mentioned that stakeholder management should be complemented with a human rights approach, which allows to give a truly ethical sense to the company's relationship both with stakeholders and society in general.

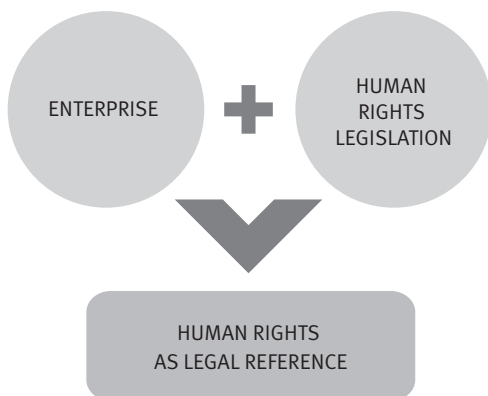
De la Cruz & Sasía point out that from an ethical point of view addressing the relation with stakeholders by means of a human rights approach has many consequences. First of all, it allows to overcome a purely strategic conception of this relationship, as the model suggested by Mitchell, Agle & Wood (1997). Likewise, it projects the company beyond the legal framework, as it allows it to establish what it wants and what it freely commits to, but with referents that impede the "voluntary" aspects to become confused with "arbitrary" or "unilateral" elements. Additionally, it connects the company with other social expectations that require its collaboration with other social agents to fulfill, for example, sustainable development goals. Finally, it allows the company to overcome paternalism or assistencialism, so it will be able to understand its social action in terms of justice (De la Cruz & Sasía, 2011).

Although it has already been established that human rights should be regulatory references for company behavior, there is no proposal on how to materialize this request in corporate operations, which is in fact provided by the methodology suggested by De la Cruz & Sasía (2011) in their PAES proposal. However, this proposal differs from that one in the way it links rights-duties and stakeholders. The authors point out that (figure 1), "a possible way to systematically face this task is to go over the set of rights that the various international

legislations and agreements materialize as a framework to establish a fair society” (De la Cruz & Sasia, 2011, p. 41), in order to identify “collective groups (...) from the rights-duties balance that the organization establishes with them” (De la Cruz & Sasia, 2011, pp. 41-42).

Some of the minimum international instruments that should guide company behavior in terms of human rights are the International Bill of Human Rights (which includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) as well as the principles and rights established in the declaration of the International Labor Organization regarding fundamental principles and rights in the labor context (Ramasastry, 2015, p. 243; Ruggie, 2011, p. 16). Besides the literature mentioned, De la Cruz and Sasia add the Universal Declaration of Emerging Human Rights, whose first version was issued in Barcelona during the Universal Forum of Cultures in 2004. This declaration “is inspired by the spirit and principles of the Declaration of Human Rights of 1948, but it is constructed from the various experiences and fights of the global civil society” (De la Cruz & Sasia, 2011). Moreover, all the regulations issued by national organisms for organizations that operate in their countries shall be included.

**FIGURE 1.** Methodology suggested by De la Cruz and Sasia



Source: own elaboration based on De la Cruz, C., & Sasia, P. M. (2011). Metodología de adecuación ética y orientaciones para su aplicación en empresas y organizaciones. Bilbao: Universidad de Deusto.

Unfortunately, this regulation collection process usually becomes very complex for the companies, especially small and medium-sized enterprises (SMEs), as they are forced to look

up a number of legal regulations that are often inappropriate for the organization’s type of activities or sector. For this reason, many SMEs fail this identification process by adopting generic proposals that are not optimally related to their stakeholders or by adopting CSR practices inappropriately (Moreno & Graterol, 2011). Many of them only respect national regulations and include the closest groups of stakeholders, without taking into account the need to promote and contribute to human rights.

The proposal made in this article (figure 2) is based on the idea that this process can be easier for companies, mainly SMEs, if another procedure is followed. First, by identifying the groups of stakeholders that companies have a relationship with, given their type and scope. Then (step 2), for each of group of stakeholders the company should consider which human rights it is committed to protect, promote and not to violate. Also, companies must contribute to the implementation of human rights, as they cannot just fulfill their minimum commitments.

However, for this task to be complete, the company must determine what practices or behaviors lead to the respect, promotion and implementation of human rights (step 3). Occasionally, the result of this final analysis will match the practices that are commonly associated with the best way to interact with stakeholders. Nonetheless, this perspective, as mentioned by De la Cruz & Sasia (2011), will rarely allow the enterprise to understand that its commitments to stakeholders go beyond ordinary practices to engage in an activity that is not considered mandatory, such as offering scholarships to workers’ children to guarantee their right to education.

Determining the stakeholders, their rights and the practices that should be implemented will allow the company to understand its activity as a task carried out for the common good of society from its role as an economic and distributive agent, without forgetting its capacity to act in the public and private sphere. The above allows the company to provide an answer to the difficult task of determining its commitment in the respect of human rights, beyond its obligation to not violate them or remedy any type of violation. This is because when determining its commitment to protect human rights of stakeholders, companies can identify what behaviors should be put into practice to respect and implement human rights or at least those of their stakeholders.

In some cases, the context of the company's operation can point to the specific human rights to be respected. In the specific case of an agricompany whose stakeholder is an indigenous community, the company will have to take into account all the specific human rights of this ethnic group. In a brochure entitled "My company and human rights" the European Commission presents a list of human rights that could be a good reference point for this process (Global CSR & BBI International, 2012).

Given the above, it is possible to state again that placing human rights as the ethical referent of corporate responsibility projects is an excellent way to connect with stakeholders. It is a truly ethical effort on the part of the organization, but it must be said that it requires an extra effort from the companies, since implementing this measure cannot be reduced to purely strategic activities or public relations. It is also important to remember that such an effort should address the human rights of the company's stakeholders and it must also be extended to labor regulation and protection. Besides, it should cover the rights mentioned

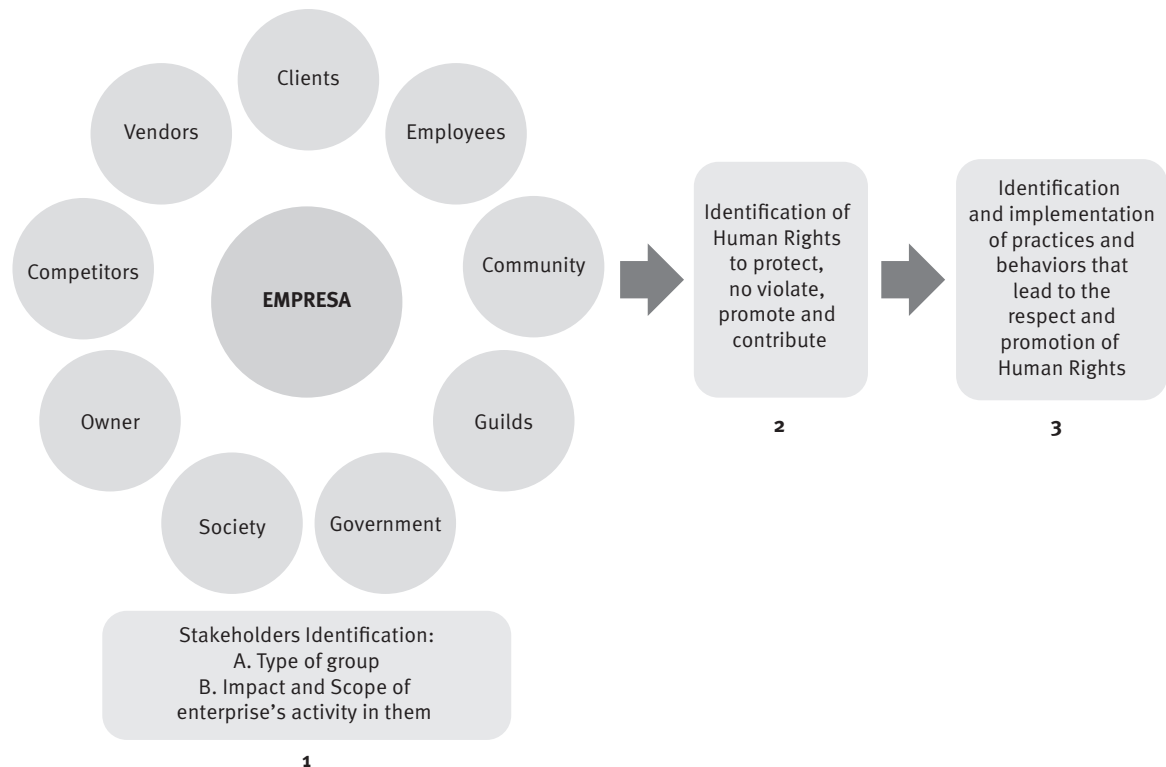
before in the literature review, together with their promotion and the actions that contribute to their implementation.

## Results

### Results in terms of human rights in Mexican SMEs adhered to the Global Compact

The Global Compact is a clear international effort to strengthen the relationships between governments, citizens and organizations in order to contribute to solve the problems that affect society (Cantú, 2015). Its action lines focus on issues related to human rights, responsible labor practices, environment care and the development of fair societies (Duque & Vargas, 2014). Currently, more than 12000 signers from 170 developed and developing nations have adhered to the compact, so it has organizations from every sector and size (ONU, 2017).

**FIGURE 2.** Model for the identification of stakeholders and their legitimate demands from a human rights perspective



Source: own elaboration.

In Latin American countries like Mexico, the Global Compact has clearly had an impact on the region's business practices, as it has become one of the largest networks in America and the third largest in the world with almost 800 companies, out of which 59% correspond to the private sector and 41% to the public sector or the civil society (UN Global Compact, 2015). As mentioned above, promoting and implementing actions related to the pact can be specially difficult for small and medium-sized enterprises, as they do not usually have the physical capacity to carry out a complex implementation and review process of what has been done. Therefore, this proposal includes an analysis of Mexican small and medium-sized enterprises registered on the Global Compact website, focusing on those that have updated progress reports on the commitments agreed upon in their adhesion letter.

The model presented and the revision of the Global Compact reports focus on demonstrating that in most cases SMEs fail to provide the level of attention required by the legitimate demands of their stakeholders, so many of these initiatives are just projects that comply with a requirement but they do not promote their rights. The purpose of this review is to explain the relevance of having a model to identify stakeholders and their legitimate demands from a human rights perspective. In this way, small and medium-sized enterprises could go further in the generation of proposals that actually integrate their stakeholders' demands. This analysis is carried out for argumentative purposes and it is not intended to validate the methodology of the model proposed.

Table 1 presents the characteristics of SMEs in the Global Compact

**TABLE 1.** Situational analysis of SMEs in the Global Compact

Small or medium-sized enterprises in the Global Compact (April 2017)	318
With progress reports	194
Without progress reports	124
With updated progress reports	108
With outdated reports	86

Source: own elaboration based on UN data. (April, 2017). *Global Compact-Our Participants*.

Retrieved from <https://www.unglobalcompact.org/what-is-gc/participants>

Based on the data from table 1, an analysis of the 108 updated progress reports released by the

Global Compact was carried out in order to classify the commitments of Mexican SMEs in terms of human rights. The purpose was to analyze if the different actions were focused on protecting, promoting, contributing or not violating human rights. After analyzing the information, the following are the results obtained (table 2).

**TABLE 2.** Classification of actions in terms of human rights in Mexican SMEs registered in the Global Compact

Human rights issues included	108
No human rights violation	108
Promotion and contribution to the development of human rights	36

Source: own elaboration based on UN data. (2017, April). *Global Compact-Our Participants*.

Retrieved from <https://www.unglobalcompact.org/what-is-gc/participants>

The 108 analyzed reports propose policies or actions oriented to prevent, protect, and avoid all types of actions that could violate human rights. This type of actions include following the parameters set by the national legislation, anti-discrimination policies, the creation of ethical codes and even the creation of specialized areas to improve the communication with stakeholders in order to know their needs.

It is worth noting that only 36 out of the 108 organizations have been able to go one step further, since their progress reports include actions that pretend to promote or contribute to the development of human rights in groups of stakeholders and they do not just address legal aspects that are supposed to be considered. Some examples of these actions are:

- Participation of company associates in events or forums where labor sustainability is promoted as a business management system (Promotora ACCSE S. A. de C. V.).
- Training on policies and procedures regarding human right issues that are relevant for the company's operations, as well as specific formal training on the subject and its application (Construcciones Nirvana S. A. de C. V.).
- Joint work plans with state and private organizations that promote human rights, as well as conferences given to company associates by state entities like the National Commission on Human Rights (Agrícola Chaparral S. P. R. de R. L.).



- Creation of autonomous internal organisms and communication channels that facilitate communication and honesty in practices or situations that affect human rights (Etisa de Guadalajara, S. A. de C. V.).
- Projects to include vulnerable groups within internal processes of the organization (BCYSA, Servicios Industriales, S. A. de C. V.).
- Creation of leaflets and other informative materials on relevant topics regarding human rights for company workers and their families (CAMINEC, S. A. de C. V.).

Unfortunately, although most of these policies go beyond purely legal issues like respect and no violation of human rights, they are still actions that instead of contributing to the development of human rights just contribute to raising awareness, which is not enough if the real purpose of the companies is to respond to the legitimate demands of their stakeholders. This is another reason why SMEs should have a model that allows them to determine their real commitment in terms of human rights. When companies do not know clearly their obligations and their stakeholders, even if they have sustainable and responsible business models, their actions do not have a real impact outside the organization (Briseño, Lavín & García, 2011).

As mentioned above, protecting and respecting human rights is a plausible action, but it is not consistent if the objective is to demonstrate a real interest in the development of stakeholders. However, this is not an easy task especially for SMEs, as it implies a wide organizational capacity to generate projects beyond their daily activities and processes. Therefore, having a model as the one proposed above is very convenient for this type of companies, as it would considerably facilitate the process of identification of stakeholders and their legitimate demands. This the first step towards the generation of effective actions that promote actions of corporate responsibility in terms of human rights.

## Conclusions

Even though proposing a model for the identification of stakeholders and their legitimate demands from a human rights perspective seems to

be an excellent opportunity for the company to promote itself as an organization committed to stakeholders, this does not mean that it is an easy task for SMEs. Having the information expected by the model is really valuable, but it is not enough to generate a real change in the company. Therefore, it is possible to question if an organization, especially a small or medium-sized enterprise, can - individually and without any help - identify opportunity areas where the relationship with stakeholders can improve, since from a daily perspective things work properly as they have been carried out.

Just as in certification or quality improvement processes of products or services, promoting a relationship that responds to the legitimate interests of stakeholders turns out to be a fundamental aspect in the way the company responds to its commitments with the environment and the society (Sotelo & Durán, 2014). In the end, a company is an entity that tries to generate value by satisfying the needs and demands of the society and its members. Therefore, the current model allows the company to move closer to understand its real purpose and to focus on the need to share that value with stakeholders, an aspect that matches the basic notion of corporate social responsibility.

The Mexican SMEs examples analyzed validate and provide reasons why a model like the one proposed is appropriate and useful for companies, as it allows them to identify the legitimate demands of their stakeholders in order to make more comprehensive proposals for promoting their rights and not only for not violating their human rights.

Some clear examples of things that companies can do in terms of human rights are actions as the ones promoted by *Cosméticos Natura S. A.*, an organization that not only protects the rights of vulnerable groups but also integrates thousands of indigenous people from Brazil in its payroll. Other remarkable examples are the supplier selection policies at *Procesadora Nacional de Alimentos C. A. (Pronaca)*, which besides the tactical and operational level follows a strategic approach where human rights, labor practices and community relation criteria are included. Another example is *Alpina*, a food company that has included various Colombian vulnerable groups in its distribution channels in order to improve their quality of life,

The protection, promotion, contribution and no violation of human rights is a commitment

of all members of society, since every company, whether big, medium-sized, small or micro, is conformed by people with interests, wishes and objectives that they plan to achieve. In order for this to happen, they have to be treated with the dignity and respect that they deserve, just for the fact of being humans.

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