

THE HUMAN RIGHTS AND MANAGERIAL RESPONSIBILITY: A COMPARATIVE ANALYSIS OF THEORETICAL STUDIES

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Abstract

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The issue of human rights and managerial responsibility in corporations and firms today is one of the most fundamental issues in law and economics. The purpose of this paper is to analyze theoretical studies related to this issue in different corporations and firms with special emphasis on those of developing countries, specifically in the countries of the Western Balkans. The inhumane and degrading treatment of employees in the Western Balkans is the subject of this paper. This research is based on the research of Buhmann (2018), Leka et al. (2019), and Osmani et al. (2022). The methodology of this paper is based on a systematic review of studies and researches, especially on the topic of human rights and managerial responsibility in corporations or firms in developing countries. It is relevant because this theme has never been elaborated on by other Kosovar authors. The results confirm that globalization and the great influence of multinational enterprises on the firms of all countries, especially those in developing countries, has raised many concerns for human rights, specifically the respect of employee rights, in the impact of businesses on employees. The conclusion presents theoretical inquiries about how the responsible management of a corporation affects the rights of employees.

Keywords: Human Rights, Managerial Responsibility, Theoretical, Corporate, Western Balkans

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1. INTRODUCTION

The essence of human rights is that people have the right to be treated by others with dignity. Businesses can affect the human rights of their employees or even their customers, workers in supply chains, or surrounding communities. But companies can and do violate human rights (United Nations Human Rights Office of the High Commissioner, 2012). The implications of human rights for the management of various firms require an understanding of what human rights are and how to identify human rights risks. It is also necessary to understand possible violations in contemporary business management practices (Buhmann, 2018).

As in other developing countries, even in the corporations and firms of the Western Balkans, this moment has its challenges and shortcomings (Bajraliu & Qorraj, 2023). Inhumane and humiliating treatment of employees should not be applied in the companies of these countries, which during the nineties were characterized by ethnic intolerance and religious extremism. So, the unfavorable inter-ethnic climate in these countries has influenced that even in the work environments in many organizations there is inhumane treatment and ethnic division.

As it is well known, the Western Balkans countries have emerged from a monist system, such as the former Yugoslav Federation, which for more

than 45 years managed to leave very bad footprints, regarding respect for human rights in this federation, and in particular respect of employee human rights. In the work environments in many organizations, there was inhumane treatment and ethnic division, for example, in a Serbian company where the management and most of the employees were Serbian, employees of other nationalities were differentiated in terms of salaries, promotions, etc. Conversely, it could have happened to Serbian employees in a company where the management and most of the employees were Croatian or Bosnian (Jusufi et al., 2020; Krasniqi & Jusufi, 2022; Qorraj & Jusufi, 2018; Leka & Jusufi, 2024). Rightfully the Macedonian scholar, Maleska (2005), points out that ethnic and geographical composition warns us that national exclusivity is still a recipe for ethnic conflict in the Western Balkans.

In 1948, the United Nations (UN) issued the Universal Declaration of Human Rights, which defines the inherent rights of all human beings, regardless of race, sex, nationality, residence, or religion. Fifty years later, based on this historic landmark, the International Labor Organization (ILO) established fundamental labor rights. The UN created the Sustainable Development Goals (SDGs) to address issues related to labor and human rights, in 2015. Specific targets were also set to be achieved, such as gender equality, good health and well-being, and quality education (Ralph & Coop, 2013; Monteiro et al., 2022).

Kosovo is a better example of human rights protection, and with this, human rights are regulated by the Constitution and have to be respected in the best possible way, where, by contrast, for example, Serbia in other side is far from meeting these standards, as well as North Macedonia, which has incorporated these rights under the Ohrid Agreement but is continuously delaying its implementation. Among other things, these agreements have foreseen articles and rules related to the protection of the labor rights of the different communities living in these countries. Managers who exercise a wide range of duties must know human rights (Qehaja et al., 2022).

And while Kosovo has made big progress in all fields of human rights, for example, the protection of employees from abuses in the workplace, their inhumane treatment, etc., North Macedonia has remained almost behind even though it has made some very important steps in this regard (Leka et al., 2019). North Macedonia despite the signing of the Ohrid Agreement and assuming responsibility for its implementation, still violates human rights, especially the minorities' labor rights, who live there, despite the obligations that North Macedonia has received since the internal conflicts that have had. Kosovo and North Macedonia have gone through wars in the last decades, and while Kosovo has managed not to remain afraid of the loss of the state by giving rights to minorities (perhaps even based on international community pressure), on the other hand, North Macedonia despite the conflict that it had, it still violating and is afraid of inclusion of minorities and their full acceptance into their country (Osmani et al., 2022).

It is very important to note that the protection of labor rights in the Western Balkans will become

more and more recognized, because if the Western Balkan states are willing and are looking towards the European perspective, which roads all countries have chosen, then Europe is offering even more to the Balkans through the Stabilization and Association Process and enlargement strategy, and Berlin Process in the last years as well (Reka, 2007).

According to rules, managers must be responsible for the results of employees by assigning them responsibilities, then delegating decision-making authority to their employees and giving them the autonomy and resources necessary to achieve the expected and intended results always following corporate objectives (Lee et al., 2013; Klaas et al., 2018).

Literature gaps have to do with the marked lack of literature on this issue. The theoretical/conceptual framework applied consists in the elaboration of various works that have been drawn up related to this issue, such as Buhmann (2018). The research methodology used is a systematic review of studies and research done on the topic of human rights and managerial responsibility in corporations or firms in developing countries such as the countries of the Western Balkans. Meanwhile, the main findings/contributions are that all enterprises must avoid violating the human rights of their employees, as well as address the negative human rights impact they have on working organizations (Ktit & Khalaf, 2024).

Likewise, the relevance and significance of the study lies in these findings. The research aim is to analyze theoretical studies related to the relationship between human rights and managerial responsibility in different corporations and firms with special emphasis on those of developing countries, specifically in the countries of the Western Balkans.

The rest of this paper is structured as follows. Section 2 reviews the relevant literature. Section 3 analyzes the methodology that has been used. Section 4 presents the results and discussion. Section 5 concludes the paper.

2. LITERATURE REVIEW

Before reviewing the sources of literature related to human rights, in particular, regarding the dignified treatment of employees in developing countries such as those of the Western Balkans, it should be emphasized that there is very little literature on this issue. Melovic et al. (2019) claim that more efforts should be made for the promotion and further implementation of respect for human rights in the countries of the Western Balkans, in particular in raising the awareness of managerial responsibility on the issue of dignified treatment of employees. In developing countries such as those of the Western Balkans, much more needs to be done in terms of defining the attitudes of employees and managers, but also in terms of increasing awareness of the importance of the protection of employees' rights.

The current situation is mainly caused by the lack of culture and habits of companies to behave in a responsible way, and by the lack of knowledge and skills of managers responsible for the policy of protecting the rights of employees. State institutions should be stimulated, promoting managerial responsibility in protecting the human

rights of employees. According to Bajrami (2005) and Zylfiu and Leka (2023), the system of democracy is a system that most of the time was under an evaluation process, whether the rights of humans are being respected or not, also presenting the need for this system to be constantly corrected. The democratic principle of the majority based on numbers does not respect the interests of minority groups, especially cultural, linguistic, national, etc., so democracy ensures the equality of all citizens before the law, no matter of ethnic, religious, or gender that any person of that state has. The democratic system also ensures the respect and protection of the rights of workers in corporations according to the laws in force, so their humane treatment (Zejnnullahu, 2021).

European Convention on Human Rights (ECHR), has been in force since November 4, 1950, as a regional instrument for the protection of human rights and freedoms, based on international human rights, which can be found in the prohibition of discrimination in Article 14 of the ECHR, in the Article 26 of the International Covenant on Civil and Political Rights (ICCPR), as well as in clause of Article 27 of the ICCPR (Becker-Olsen et al., 2006; Melovic et al., 2014). The inhumane and degrading treatment of employees in the Western Balkans is the subject of this paper.

For this reason, human rights, especially employee rights, gained an added value only after the Second World War, when the UN system of universal human rights emphasized the individual dimension of human rights, reaching to create it as a general standard. However, only after the decolonization period, the collapse of the Soviet bloc, the destruction of the former Yugoslav Federation, and the growing number of inter-state conflicts forced the international community to focus on the collective dimension of employee rights. The 1990 Copenhagen Document, its catalog for the protection of ethnic, cultural, linguistic, or religious rights is of such importance that it was for the first time that 30 European countries reached an agreement on these rights under international law (Benedikter, 2006).

The diversity and complexity of human rights situations and business practices have been the subject of discussion and research by many international authors (Lin, 2010; Buhmann, 2018; Leka et al., 2019). An employer's identification documents can prevent employees from leaving the company if the employer refuses to return their documents. Ultimately, workers are held against their will in conditions that may amount to slavery or forced labor in violation of international conventions which state that no one is required to perform forced labor. Managers can ask employees to bring a copy of their document, or they can get the employee's consent to take a photocopy or scan of the employee's ID but they must respect the employees' rights to have the documents necessary for them to move within a country. This case demonstrates the importance for managers of firms or corporations to understand the practical human rights implications of general human rights including "freedom from forced labor" in a business context (Glavas & Kelley, 2014; Auger et al., 1999).

The second case concerns a cargo airline operating in several African countries. Some of the countries of this continent have the same stage of economic development as the countries of the Western Balkans. Therefore, in the absence of adequate literature from the countries of the Western Balkans, we are analyzing such literature. According to Orlitzky and Benjamin (2001) and Aldag and Bartol (1978), several cases in the Democratic Republic of Congo explain the importance of a corporation to ensure that human rights are not violated through its business dealings.

According to Ramirez (2013), the third case concerns a US-based corporation that entered into a large contract to provide wind turbines for a large wind farm in Mexico with the support of that country's government. The project would be located in a Mexican area that was home to several ancient peoples and cultures. In its interactions with local authorities involved in making land use decisions and with local people in the affected area, the company neglected to adequately engage with local communities about their concerns and concerns regarding the project. The corporation did not take into account their concerns about the potential impact of the project on their culture and way of life, thus violating their human rights.

Marushchak et al. (2020) assert that the implementation of all human rights in particular in the working environments of corporations and firms requires some additional resources. Finding effective financial resources is an essential task for many serious governments and states. Despite the availability of all the necessary funds to meet people's needs, specifically needs related to their rights at work, many governments allocate financial resources in inappropriate ways and people receive only a small part of their benefits social.

The countries with the largest budget deficit such as Western Balkans show that people have low and lower middle incomes and their social rights are not adequately protected in corporations or firms. The main reason is the lack of appropriate tools for evaluating the effectiveness of the use of state legal remedies to protect their rights. The assessment is made only based on the overall economic results. The use of managerial tools is very useful for controlling and monitoring the processes of the effectiveness of the state budget in the protection of labor rights (Carroll, 1979).

Human rights issues, in particular the issue of dignified treatment of employees in corporate work environments, in the supply chains of socially responsible companies or corporations operating in the EU countries have been the subject of research in the work of Rudnicka (2022). These rights are gaining importance both in the framework of legal regulations and in the approach of corporate enterprises. Human rights in supply chains present many challenges to these corporations. This issue is of particular importance for corporations that have decided to implement social responsibility.

To what extent socially responsible corporations pay attention to human rights issues in supply chains arouses the curiosity of many researchers. Osemeke et al. (2020) claim that this varies from corporation to corporation. Likewise, if human

rights issues are managed in supply chains, how this management is done is of particular importance in corporate human rights research. The results of this research show that this issue is considered by these authors but it is difficult to assess unequivocally to what extent the subject of human rights is treated strategically as an element of a business case, and how far it results from the current need to adapt to the corporate present.

O'Brien and Dhanarajan (2016) and van der Ploeg and Vanclay (2017) in their research assert that corporate managerial responsibility for respecting human rights, in particular the issue of dignified treatment of employees, represents the culmination of significant progress in the field of corporate accountability. Their paper highlights several innovations in regulation and practice, led by actors in government and the corporate sector, civil society organizations, and trade unions, in the areas of dignified treatment of employee's due diligence, impact assessment, and reporting. However, at the global level, it can be said that the change is slow and partial, so the results achieved are still unsatisfactory. Serious business-related human rights abuses remain endemic in many industry sectors and in many global countries, in particular the issue of dignified treatment of employees.

For cases in which subsidiaries infringe rights in the absence of a parent company's adverse decision because the parent company is affiliated with abusive subsidiaries things change. The parent company must act with care to prevent and correct abuses. Antwi et al. (2021) claim that accountability rests problematically on an emerging social norm, soft law, and notions of non-legal complicity. The very existence of responsibility becomes questionable, its legitimacy questionable. Jurisprudence should create a more carefully based liability to act applicable to major companies. The issue of dignified treatment of employees is quite problematic in this aspect (Mares, 2011).

Fasterling (2019) asserts that corporate responsibility is in the context of business and labor rights meanwhile Welford (2002) has highlighted the salient differences between corporate responsibility regarding respect for human rights and legal standards of due diligence. The breadth of challenges that the law faces when seeking to transform the due diligence concept of business practices into a legal norm is of interest to any social scientist.

From the perspective of an excellent lawyer, Ramasastry (2015) analyzes the evolution or development of human rights as well as business. According to him, this is contextually and conceptually different from the social responsibility of the given corporation. Corporate social responsibility (CSR) is about responsible behavior, business, and human rights and focuses on a more

defined commitment to the field of human rights. Business and human rights represent, in part, a response to CSR and its perceived failure. Vinayachandran (2024) contends that human rights as well as business can be withdrawn from the CSR framework to allow states to create incentives for businesses to promote human rights in their business operations.

According to Velte (2022), the moral and professional support of the manager must be present at all stages of the implementation of the practice of protecting the rights of the employee, especially when it is necessary to develop the awareness of the employees. Managers should be aware that employees with the necessary knowledge and skills are one of the main prerequisites for the development of good practices in the enterprise. Without the integration of employees with other stakeholders, the implementation of legal norms is unsuccessful. Managers in both sectors, especially in the private sector, must create and implement a strategic policy process to respect the rights of employees (Engström, 2002).

3. RESEARCH METHODOLOGY

A systematic review of studies and research is the basis of this paper is based. Especially on the topic of human rights and managerial responsibility in corporations or firms in developing countries such as Western Balkans. According to Berisha Qehaja et al. (2017) and Rustemi et al. (2021), a systematic review is a synthesis of primary research that uses specific and explicit methodological strategies. These strategies are reproducible to identify, collect, critically evaluate, and synthesize all relevant issues on a specific topic.

The main methods used for synthesizing and comparing studies or research are the synthesis of textual narration and comparative analysis. Textual narrative synthesis uses many approaches and methodologies creating extensive knowledge. According to Popay et al. (2006), elements of narrative synthesis are:

- 1) Development of a scientific theory of how the intervention works, why it works, and for whom it works;
- 2) Development of a preliminary synthesis;
- 3) Exploring the relationships within and between different studies related to the elaborated topic;
- 4) Evaluation of synthesis stability.

At the methodological level, conducting an empirical deepening would be significant for this work, but due to the nature of the work and the lack of material and financial support, it is not possible to carry out such empirical research.

Table 1. Human rights and examples of how business might impact them

<i>Relevant human right</i>	<i>A brief explanation of the right</i>	<i>Examples of how business might be involved with an impact on the right</i>
Everyone has the right to life.	Every individual has the right not to be arbitrarily deprived of life. Every person has the right to be protected from physical attacks and security risks.	No entity may use deadly force to protect enterprise facilities or enterprise personnel. Operations that pose safety risks to the lives of workers are strictly prohibited.
Right not to be subjected to slavery, servitude, or forced labor.	The rights to freedom of workers are absolute. Forced labor is defined by the ILO as work performed under threat, which the individual does not perform voluntarily.	Businesses can benefit from the labor of workers who have been trafficked and are forced to work in this way. Forced labor can arise in any sector of the economy. An employer treats workers as debt slaves through loans or fee payments. This is characteristic of migrant workers.
Right of detained persons to humane treatment.	This concerns the taking of special measures for the protection of detainees by the detention authorities.	This has to do with the construction companies and the maintenance of prisons, for example, the detention institution which has to do with immigration, where immigrant detainees are barbarically mistreated.
Right not to be subjected to imprisonment for inability to fulfill a contract.	If an individual is unable to fulfill a private contractual obligation, then this right applies.	If this right is not protected by the state authorities, then the companies can be involved.
Right to freedom of movement.	Persons who are legally located in a country can move freely throughout the country where they are located.	If communities are displaced arbitrarily, due to forceful operations, without notice or adequate compensation, then this issue arises.
Right to a fair trial.	This concerns the right to a hearing, which must be public before an impartial tribunal.	Corporate sponsors try to corrupt the judicial process or otherwise influence witnesses to make certain statements.
Right to recognition as a person before the law.	Individuals may have the right to legal personality.	When enterprises benefit from the state-run land acquisition process, they pay compensation only to male heads of households, because married women's property is treated as their husband's property.
Rights to freedom of thought, conscience, and religion.	All persons have the right to practice and observe their religion, to be atheist, or to follow no religion. This right is about respect for rituals.	Company policy prevents workers from wearing clothing that expresses their religious beliefs and practicing their religion.
Rights to freedom of opinion and expression.	Individuals have the right to express ideas in any media. The state authorizes restrictions in accordance with international human rights standards.	Operating or engaging in an enterprise where workers are repeatedly prohibited by law from expressing their opinions in the public domain.
Right to a family life.	This right concerns special protection for mothers who work in different labor organizations.	Company policies prevent workers from adopting a healthy work-life balance that enables them to adequately support their families.

Source: UN Guiding Principles Reporting Framework (2023).

This theoretical paper includes several papers for a review of the relationship between managerial responsibility and human rights. The Google Scholar platform was used to search for papers and research on this topic. The search resulted in several papers on theoretical knowledge on this topic, as well as certain papers focused on the use of a particular tool or technique, but we decided to select only papers about the given topic from different developing countries. After the works have been selected, the relevant data from these researches have been extracted. Alternative methods that would be suitable for conducting the research are multiple linear regression and logistic regression. By providing empirical data, through their processing through these econometric models, more detailed conclusions and recommendations would be offered for the treated topic.

4. RESULTS AND DISCUSSION

It can be affirmed that in general there is a lack of scientific work on the relationship between human rights and managerial responsibility in developing countries, in particular for the Western Balkan countries. In the provided studies, this topic has been analyzed by different scholars and researchers. Some researchers have contributed to the detailed elaboration of this relationship (van der Ploeg & Vanclay, 2017; Zylfiu & Leka, 2023), while others

have been satisfied only with the theoretical introduction of concepts such as the right to work of people, the abuse of workers' rights, the responsibility of managers in protecting the rights of workers in corporations, etc. (Mares, 2011; Melovic et al., 2014; Leka et al., 2019).

The common point of all these papers that were included is that to move towards sustainable and long-term prosperity, the managers of firms, companies, and corporations must examine the social, environmental, and economic issues that preoccupy their employees. In the past, companies profited from violating human labor rights, especially in developing countries, employees have been trampled by their managers.

So today, the social responsibility of managers and corporations tends to be much more controversial than other issues related to human resources. Managerial responsibility requires looking at ethics, stakeholder accountability, and value systems. A starting point that seems productive in each paper analyzed is to see corporate social responsibility in the context of universal human rights. The essence of each paper is the process of globalization and its use to improve human rights through business activity and engagement.

The responsibility of the company's management to respect human rights concerns that all businesses must avoid violating the human rights of their employees in particular and must address

the negative impacts of human rights with which they are included in the company. So, a large part of the analyzed works reaches this conclusion. Firms, particularly those in developing countries such as the Western Balkans, can benefit from the resources they invest in due diligence to identify their negative human rights impacts. This happens by building on the knowledge gained about wider needs, including human rights, to which they can contribute.

5. CONCLUSION

From the review of the literature and the analysis of different literature sources, it can be affirmed that globalization and the great influence of multinational enterprises on the companies of all countries, especially those in developing countries, has raised many concerns for human rights, specifically the respect of employee rights, in the impact of businesses on employees, then in the environment and public policies of these countries, etc. Therefore, such concerns about the respect of human rights by corporations and businesses caused a strong wave of academic research on this topic, investigating the role of corporate firms on issues such as labor and human rights, changing the organizational climate for the benefit of employees.

In conclusion, it can be affirmed that the work of these researchers who have dealt with such a field of research, specifically with the study of the company's relations with human rights, should be integrated. This is an academic field still not well researched because to better understand

the importance of managerial responsibility in the protection of human rights, empirical research should be carried out as econometric methods can provide more accurate results. In this theoretical research, efforts have been made to integrate these fields, relying on the research that has been carried out so far regarding human rights and managerial responsibility for the protection and respect of these rights.

The further development of this field, the debate should be developed with many parties, and even the necessary management strategy should be created to promote the standards of protection and respect for human rights. This research contributes greatly to this process by presenting theoretical inquiries about how the responsible management of a firm or corporation affects the human rights of employees and the extent to which the presence of these global firms shapes and influences this very important relationship.

This paper has several limitations, the most important of which is that it does not contain an empirical model, so it does not provide statistical data. As it is known, statistical data provide more exact results, therefore they are more useful in validating different hypotheses. Future research should be conducted based on empirical data. Regarding the implications of the results, it can be affirmed that policymakers and legislators of countries like those of the Western Balkans can be served with the theoretical data of this paper, which helps in a better theoretical understanding of this problem.

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