

THE LAWYER

GC Interview of James Berkeley Unilever, by Julia Hayhoe. Why Sustainability Matters.

The Lawyer Business Leadership Summit explores how the dramatic acceleration of macro trends has placed Purpose, Sustainability and ESG issues top of the corporate board, General Counsel and increasingly legal provider agenda.

I have created a series of GC interviews, to inform this Summit and the webinar I present as part of this Summit, on Enabling Client Success in their Transitions to Purpose Driven Sustainable Businesses. It builds on my wider work in the Sustainability & ESG arena.

In this interview I speak with James Berkeley who is a General Counsel at Unilever. Unilever has three global divisions: Beauty & Personal Care, Home Care and Foods & Refreshment. James leads the legal team for the Beauty & Personal Care Division which is the largest of the three in terms of turnover and profit contribution. It's an incredibly exciting role with 2.5 billion people buying a Unilever product every day in 190 countries. James also leads the Global IP team, ensuring a seamless integration of the IP strategy into the business, and building, managing and leveraging the portfolio of 80,000 trademarks and 19,000 patents.

James, Unilever has a very long history as a purpose-driven business with sustainability its core, tell us more about this...

With Unilever, purpose and sustainability are at the heart of everything we do. Unilever's "Compass" is our overall vision guiding who and what we want to be, and the Unilever way of doing business. The fundamental principle is that we see purpose-led sustainable business as the key to success and superior performance. This is encapsulated in our three-pronged approach: Brands With Purpose Grow, Companies With Purpose Last, and People With Purpose Thrive. We take a holistic view with our Brands with Purpose approach defining where the specific brand can make a difference standing for important change dynamics such as regenerating nature, improving health and wellbeing, or social inclusion. The Company with Purpose pillar focusses on ensuring breadth of reach - meeting the needs of people everywhere, driving consumer value, and using scale for good. The final pillar around motivated purposeful people focusses on our own culture, driving lifelong learning, agile and flexible flow-to work models to unlock growth, which have served us very well in the recent Covid period.

With the call for business to convert purpose into material action for its stakeholders, can you give us some tangible examples of how Unilever is living its purpose?

It has of course been a year when many dimensions of purpose have been even more crucial. A good place to start is with Lifebuoy, a brand founded in 1894 to help with the personal hygiene challenges of Victorian England. Lifebuoy's mission is to change the hygiene habits of consumers and during 2020 we have been focussed on bringing accessible hygiene to 3 billion people, innovating with new formats and campaigns such as public service orientated communications - highlighting the need to handwash irrespective of brand choice. Lifebuoy's iconic red bar soap, came home this summer, with a return to sales in the UK as part of the need for increased hygiene everywhere.

Another powerful example is our global brand Dove which has the mission to help young people around the world build positive body confidence and self-esteem. Dove's Self Esteem Project is an education program that has now reached 62 million people, with a target to reach ¼ billion by 2030. Importantly, our work has been proven to make a positive difference, with independent peer-reviewed academic studies reporting on the long-term boost in body image of young people.

Moving to another part of the portfolio, Home Care, you may have seen in the press that we have just launched the Clean Futures innovation programme, confirming that by 2030 we will replace 100% of the carbon derived from fossil fuels in our cleaning and laundry product formulations with renewable or recycled carbon.

These examples hopefully give a flavour, but the essential point is that for every project, every innovation, we apply a purpose and sustainability lens.

What role as a GC do you play in advancing sustainable business?

Given that sustainability guides our entire business focus, the simple answer is that everything I do in my GC role is focussed on advancing sustainable business.

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Some of the features of our governance structure help in ensuring that we are at the heart of these efforts. In Unilever it is a fundamental principle that lawyers are embedded in all of the business leadership teams globally. In my case I sit on the Beauty & Personal Care LT and in that capacity I am directly involved in shaping the division's People and Planet positive strategy, and then delivering to that strategy with my team and the legal network around the globe. For example, as a consumer goods company with sustainability at its core, it is essential that we communicate the sustainability benefits of a particular product so that consumers can make the informed choice. This accountability and maintenance of consumer trust in our products is of paramount importance, and we work on ensuring that the claims are accurate and meet the relevant regulatory requirements in addition to our own policies on responsible marketing.

We have been at the heart of some truly inspiring initiatives such as Unilever's support for a global ban on animal testing, working with our colleagues in Safety and Regulatory to advocate the change in regulatory frameworks. Unilever operates within a multi-stakeholder model and the role of the GC is key in ensuring that each lens, whether that of consumer, customer, shareholder, employee or planet, is applied. It is also important to recognise that when trying to achieve industry level change, it is hard to make it happen alone, even when you have the scale of a multinational, and so partnerships and the legal support to structure them are absolutely key, and our IP team provide support on the joint development agreements for advancing sustainable technology.

A final note on another important area, which goes to the root of consumer trust in our products - we have a networked brand protection team across the world engaged in the fight against counterfeits. The huge expansion of online channels have prompted major changes in how we need to monitor and enforce against products that undermine the safety of consumers and trust in our products and their credentials. So it is imperative that the legal team are driving cutting edge technology and systems. We might not be writing the code, but we have to be able understand the capability and its potential for solving our challenges.

How can legal providers best assist you to be 'the leader in sustainable business globally' and drive Unilever's purpose?

I would call out the twin aspects of Value and Values. Starting with Values which requires both an understanding of us culturally, and a willingness to adapt a firms' own approaches. Unilever's stated values are – Integrity, Respect, Responsibility and Pioneering. As an organisation we will be striving to represent these values, and we will expect our partner firms to understand our drivers both from an advice perspective and from a cultural perspective as a partner. A good example is the area of Diversity and Inclusion. This is of course a key part of the brand purpose of a number of our brands and important for firms working with us on brand support, but also a fundamental focus within the people dimension of our Compass. Our CLO, Ritva Sotamaa is on the Steering Committee of the General Counsel for Diversity and Inclusion initiative, working to promote meaningful diversity and inclusion across the legal profession. We want our firms to recognise the importance, and to stand with us to make the change which we believe is necessary for a sustainable profession.

I also think law firms should think about purpose both at the firm level and that of the individual. A core component of Unilever's approach is asking people to define their own purpose, understanding their intrinsic drivers, and distilling how they live their purpose through their Unilever role. As a people business, serving client needs, ensuring that the individual's purpose is captured to ensure sustainable career motivation and high performance, has to be a core priority for a firm in helping to deliver the objectives of a client like Unilever. The reduced distinction between the internal and external legal ecosystem, with more flexible work models, will only make this more important.

Switching to Value, we of course need our firms to have the key technical skills to support the specific new areas of business – new business models, new regulatory frameworks, but firms can provide that precious value of external perspective. One of the challenges of a large multinational is ensuring you look up and out beyond the organisation, and test hypotheses, to "look around the corner" and anticipate the changes. In a company like Unilever with its multi-stakeholder model, it is essential that we have the external touchpoints and finger on the pulse to anticipate future challenges to our sustainability objectives, and firms can play a crucial part in this.

Finally, outside of work, what new hobby have you developed during lock down?

Lockdown has seen the dusting off of a much-neglected guitar. For the first time in my life I have taken guitar lessons, moving (just !) beyond the three chords level. My son and I have had a weekly on-line lesson, so it has not just been a learning experience, but some good father/son time. Hopefully we can keep it going after his return to university this month.