

Zorgplicht

Een verplicht wetgevend kader op 3 niveaus





Waarom ?

1. GSC // Verborgen werkkrachten



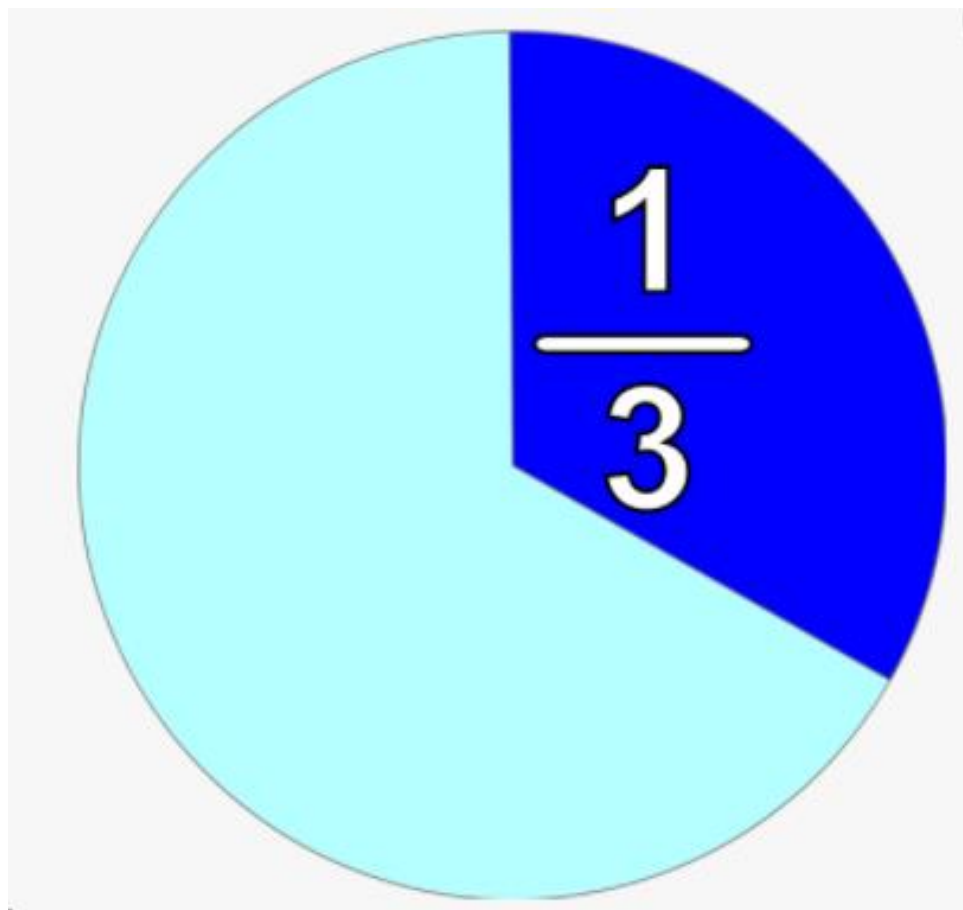
2. Schendingen mensenrechten, arbeidsrechten, milieunormen





Apple, Google, Microsoft, Dell and Tesla are sued over alleged child labor in Congo

3. Vrijwillige aanpak werkt niet



Only 1/3 of business respondents say they take some form of due diligence. European Commission.

4. Oneerlijke -> eerlijke concurrentie

How to Unlevel the Playing Field



**Support for
EU Framework on mandatory human rights and environmental due diligence**

We, the undersigned companies, business associations, and initiatives, welcome the announcement by the European Commission for Justice, Skills, Equality, and the European Commission and Justice a legislative initiative on mandatory human rights and environmental due diligence.

The intention is to demonstrate the fragility of global supply chains, and the vulnerability of the regions and countries, for workers, communities and consumers around the world. As an answer to this, we call on the EU to take binding legislative action, to ensure all and promote sustainability. Mandatory human rights and environmental due diligence is the framework that efforts to companies that respect people and the planet, both during and post COVID-19 recovery, are not without the risk of a uniform standard of conduct applying to business across.

Some companies already take steps to implement their due diligence processes in line with the corporate responsibility to respect human rights as outlined in the UN Guiding Principles on Business and Human Rights (UNGP), the OECD Guidelines for Multinational Enterprises, or national standards. However, more companies need to take commitments and such as workers, and well beyond on their internal and external impact on human rights and the environment legislation introducing an obligation to conduct due diligence as defined by the UNGP and covering all business actors is critical to bring all companies to the same standard and further and wider progress to date.

Mandatory human rights and environmental due diligence legislation has already been introduced in a number of countries, or a number of 10 countries across and other regions around the world and has gained [substantial public support in Europe](#). Mandatory legislation will contribute to a competitive level playing field, increase legal certainty about the standards requirements companies to respect human rights and the environment, clarify legal consequences for other responsibilities are not met, promote engagement and meaningful actions between supply chain partners and, above all, trigger and reinforce specific and effective actions on the ground. It will drive cross-sectoral legislation, reflecting business developments and with clear accountability, should harmonize their expectations towards companies, ultimately enhancing outcomes for people and the planet.

We therefore welcome the European Commission's initiative and efforts to introduce the mandatory human rights and environmental due diligence legislation, as an integral part of the effort to build back a more resilient economy that works for all. The new mandatory human rights and environmental due diligence legislation, along with the EU's European Commission to further introduce an ambitious legislative proposal in 2021. As companies, business associations, and initiatives, we stand ready to support the leadership through open dialogue with the stakeholders, NGOs, trade unions, governments and local communities.

1 September 2020

BHRC



26 companies, business associations, and initiatives make joint call for EU mandatory human rights & environmental due diligence

5. Consument





Wat is nodig?

Wetgeving



3 Niveaus // Complementair



Zorgplicht in het sociaal overleg



Zorgplicht bij overheidsaankopen





Essentiële bouwstenen wetgeving



Essentiële bouwstenen wetgeving

Memorandum

ESSENTIËLE BOUWSTENEN VOOR EEN BELGISCHE ZORGPLICHTWET

Oktober 2020

Mémorandum

FONDEMENTS ESSENTIELS POUR UNE LOI BELGE SUR LE DEVOIR DE VIGILANCE

Octobre 2020



Zorgplicht

1

Devoir de vigilance

ETUC Position for a European directive on mandatory Human Rights due diligence and responsible business conduct



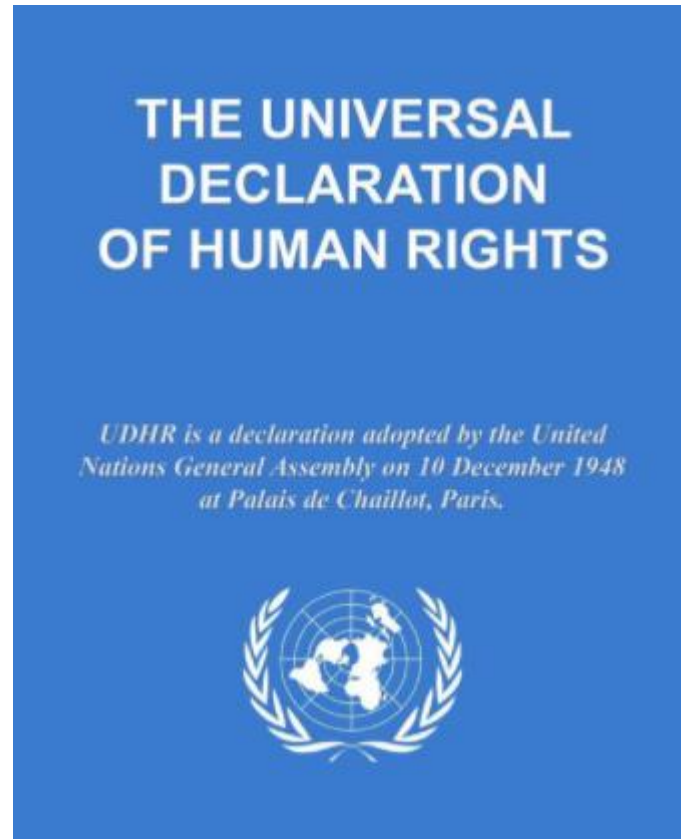


Eight components of effective mandatory due diligence legislation

Alle bedrijven



Mensenrechten, arbeidsrechten, milieunormen



Heel de waardeketen



- Eigen activiteiten
- activiteiten van dochterondernemingen
- activiteiten die mogelijk gemaakt worden via investeringen
- Activiteiten in waardeketens.

Zorgplicht

⇒Zorgvuldigheidsplicht

⇒Herstelplicht



Rol van de vakbonden



Proportionnaliteit

- Mogelijkheden

! Grootte

! Risicosector

- Grootte & middelen
- Mogelijkheid kennis
- Mogelijkheid maatregelen
- Ernst risico's

Toezicht

Onafhankelijke publieke instantie



Rechtbank



Toegang tot justitie & Aansprakelijkheid

Human Rights Due Diligence legislation

AND CORPORATE LIABILITY

Sancties



Natuurlijke of rechtspersoon -> proces



Omkering van de bewijslast





Hartelijk dank