



**UNIVERSITÉ
DE GENÈVE**

GENEVA SCHOOL OF ECONOMICS
AND MANAGEMENT

GENEVA CENTER
FOR **BUSINESS**
& **HUMAN**
RIGHTS



Implementing Human Rights Due Diligence in times of changing expectations

01 October 2020

Introduction - Welcome words and presentations

Introduction



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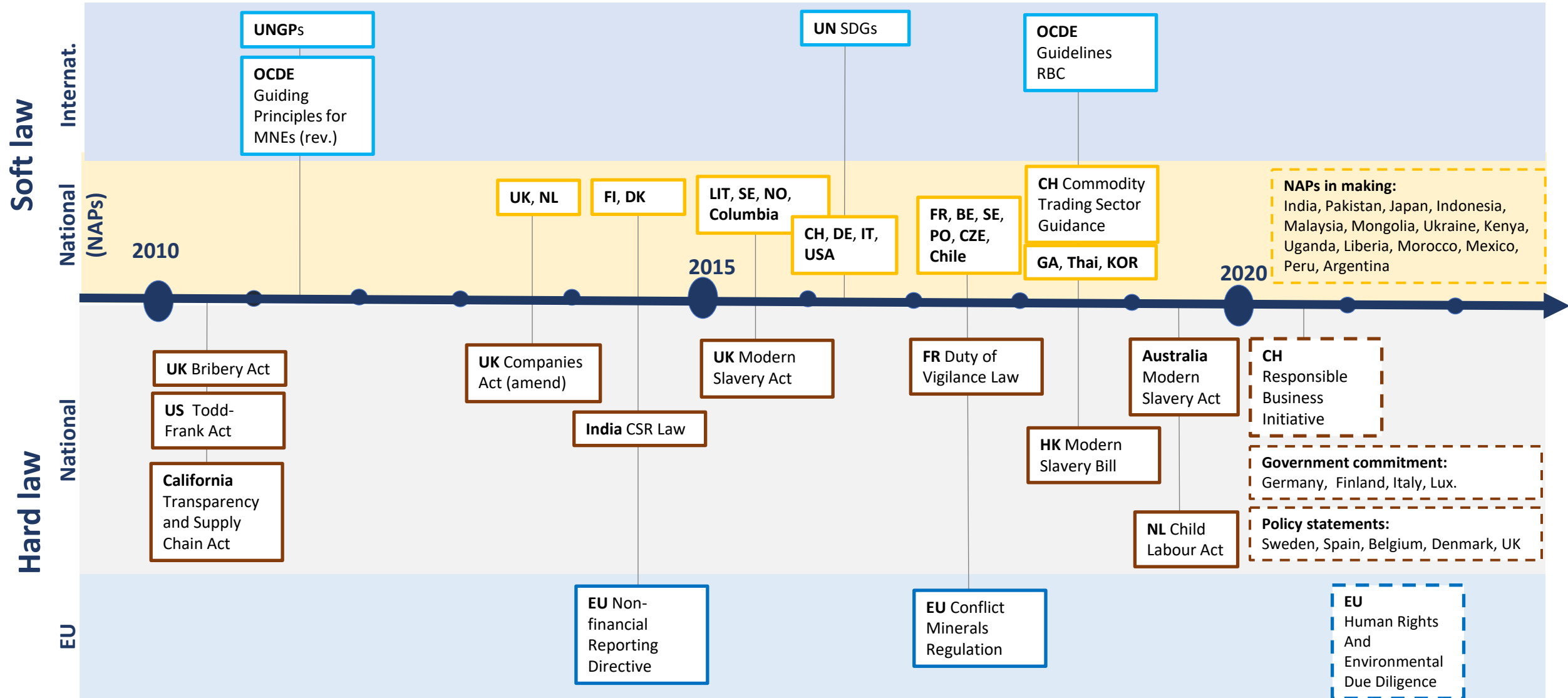
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Context - National and international frameworks

From soft to hard law (extracts)



Developments at EU level



- **January 2020:** EU Commission [study](#) on due diligence requirements through the supply chain
- **April 2020:** EU Commissioner for Justice, Didier Reynders, commits to introduce a legislative initiative as of 2021 on mandatory human rights due diligence
- **May 2020:** EU commissioner for Trade, Phil Hogan, commits to work on the legislative proposal together with Commissioner Reynders
- **July 2020:** Germany takes the six-months Presidency of the European Council and announces its support to human rights due diligence EU legislation.
- **July 2020:** EC published the inception impact assessment to regulate corporate due diligence and directors' duties. → Roadmap open for [feedback](#) until 8 October 2020.
- **September 2020:** Joint statement by 26 companies and business associations calling for EU-wide, cross-sectoral mandatory human rights and environmental due diligence
- **September 2020:** European Parliament's Committee on Legal Affairs publishes a [draft report](#), with recommendations to the Commission on corporate due diligence and corporate accountability

The Swiss RBI in perspective

		UNGPs	EU Directive (draft)	Swiss RBI
Scope	Company	<ul style="list-style-type: none"> All (application varies with complexity, size, risk, nature of business) 	<ul style="list-style-type: none"> All (except micro-enterprises) 	<ul style="list-style-type: none"> All (except low-risk SMEs)
	Business relationship	<ul style="list-style-type: none"> Own activities Operations, product or services by business partners 	<ul style="list-style-type: none"> Own activities Business relationships 	<ul style="list-style-type: none"> Own activities Controlled companies
	Rights	<ul style="list-style-type: none"> Human Rights 	<ul style="list-style-type: none"> Human Rights Environment Governance 	<ul style="list-style-type: none"> Human Rights Environment
Obligation	HRDD	<ul style="list-style-type: none"> Carry out HRDD (risk-based approach) Based on 3 scenario: cause, contribute, linked to 	<ul style="list-style-type: none"> Carry out HRDD (risk-based approach) Applies to full supply chain 	<ul style="list-style-type: none"> Carry out HRDD (risk-based approach) Applies to full supply chain (controlled companies, business relationships)
	Liability	<ul style="list-style-type: none"> No liability Guidance for remedy 	<ul style="list-style-type: none"> Penalties (Member States shall introduce penalties for non-compliance that are “effective, proportionate and dissuasive”) Possible civil liability 	<ul style="list-style-type: none"> Civil liability for operations + controlled companies (except prove that the company took all due care or that the damage would have occurred even if all due care had been taken).

Discussion - Implementing Human Rights Due Diligence

Q & A

Closing remark