












Overview of HRDD legislations

	 European Parliament	 European Commission	 Netherlands
Name	– Recommendation to the European Commission on corporate due diligence and corporate accountability	– Corporate Sustainability Due Diligence Directive proposal	– Child Labour Due Diligence Act – Responsible and Sustainable International Business Conduct Bill
Scope	– Large companies + listed SMEs + SMEs in high-risk sectors domiciled or delivering products/services to the EU	– Large companies (> 500 employees; > 150 Mio EUR net turnover) – Medium-sized companies (> 250 employees; > 40 Mio EUR net turnover) in high-risk sectors (incl. agriculture)	– All companies delivering products or services in NL – All companies with >250 employees domiciled in or operating in NL (general duty of care for all firms operating in NL)
Rights	– Human rights – Environment – Good governance	– Human Rights – Environment – Good governance	– Child labour – Human rights – Environment
Obligation	– Due diligence (UNGP/OECD based), incl: <ul style="list-style-type: none"> ▪ Identify and assess potential or actual impacts ▪ Establish a due diligence strategy, incl.: Specify impacts; Value chain mapping; Measures to cease, prevent or mitigate impacts; Prioritisation; Grievance mechanism ▪ Publish the DD strategy on the company's website and upload it on EU platform ▪ Inform workers' reps, unions, business partners about the DD strategy – Directors' duties	– Due diligence (UNGP/OECD based), incl: <ul style="list-style-type: none"> ▪ Establish an annual DD policy ▪ Identify potential or actual Human Rights impacts ▪ Preventing and minimising adverse impacts. ▪ Bring actual impacts to end, mitigate their extent ▪ Complaints procedure ▪ Monitor effectiveness ▪ Communicate – Directors' duties – Possibility to rely on industry schemes or multi-stakeholder initiatives to support the implication of the DD obligations. The text also refers to the future introduction of sector-specific guidelines, as well as decent work worldwide.	– Due diligence: draw up action plan if there is a suspicion of child labour (UNGP/OECD-based) – Submit a statement declaring that DD was conducted (statements are published on the authority's website)
Reach	– Own operations (incl. subsidiaries) – Entire value chain (all direct and indirect business relationships)	– Own operations (incl. subsidiaries) – Established relationships (direct or indirect)	– Own operations (via subsidiaries) – Whole supply chain (any natural or legal person throughout the supply chain) – Own operations (via subsidiaries) – Whole value chain
Legal liability	– Administrative liability in forms of fines or exclusion from public procurement and confiscation of commodities – Civil liability envisaged. Companies must prove that they took all due care – State authorities have the power to investigate failures to conduct DD and act on concerns raised by third parties	– Sanctions should be effective, proportionate, and dissuasive – Civil liability for damages linked to the company's failure to comply with the DD process for established relationships. – Administrative (fines) envisaged based on the company's turnover	– No explicit civil liability provision (under Dutch law, victims can seek judicial remedy and hold companies liable for harm linked to their failure to conduct DD) – Any person can file a complaint before the company. If the response is found inadequate, they can file a complaint before the regulator. The latter may issue an order to require compliance or issue fines (up to €750,000 or 10% of annual turnover) – Criminal liability of the responsible director in case of repeated non-compliance – Administrative liability (in the form of fines) – Civil liability: Fault-based liability – Criminal liability for company directors in case of repeated failure within 5 years to stop activities that cause or contribute to negative impacts or to provide remedy
Status	– Resolution adopted on March 10 th 2021	– Proposal published on February 23 rd 2022. – Public consultation from 28/03 to 23/05 – Negotiation with European Parliament and Council expected until 2023.	– Adopted in 2019, not yet in force – Bill submitted to Parliament in March 2021

	 France	 Germany	 Austria	 Norway
Name	– Duty of Vigilance Legislation	– Corporate Due Diligence Act	– Supply Chain Bill	– Transparency Bill
Scope	– Large companies based in France (> 5000 employees)	– Large companies based in DE (>3,000 employees; from 2024, >1,000 employees)	– All companies delivering products or services in AT (above a certain turnover to be defined)	– Large companies domiciled or delivering products or services in NO
Rights	<ul style="list-style-type: none"> – Human rights – Health and safety – Environment 	<ul style="list-style-type: none"> – Human rights – Environment 	<ul style="list-style-type: none"> – Human rights – Environment 	<ul style="list-style-type: none"> – Human rights – Working conditions
Obligation	<ul style="list-style-type: none"> – Establish and implement an annual due diligence plan (UNGP based) incl.: <ul style="list-style-type: none"> ▪ Mapping that identifies, analyses and ranks risks ▪ Procedures assessing the situation of certain subsidiaries, subcontractors or suppliers ▪ Actions to prevent and mitigate risks and serious harms; an alert mechanism ▪ Monitoring scheme to follow-up on the plan’s implementation and efficiency of measures – Publish the vigilance plan in annual report 	<ul style="list-style-type: none"> – Due diligence (partially UNGP/OECD-based): <ul style="list-style-type: none"> ▪ Publish a policy statement ▪ Risk analyses ▪ Implement concrete measures to prevent harms (for own operations and direct suppliers) <ul style="list-style-type: none"> ○ Own: Deliver employee training, adapt procurement strategies, control. ○ Suppliers: contractual assurance. ➔ Companies are required to identify risks linked to indirect suppliers and prevent and mitigate those if they obtain "substantiated knowledge" of abuses <ul style="list-style-type: none"> ▪ Take remedial actions ▪ Establish internal complaints procedures ▪ Delegate in-house responsibility – Transparent public reporting: Publish annual reports on company’s website and submit them to the competent authority 	<ul style="list-style-type: none"> – Due diligence (UNGP/OECD-based) – Publish annual reports and submit them to the competent authority (reports are accessible on the authority’s register) 	<ul style="list-style-type: none"> – Due diligence (DD) (OECD-based): <ul style="list-style-type: none"> ▪ Be able to stop, prevent or limit negative consequences on human rights and working conditions that the companies have either caused, contributed to or that are directly related to the companies’ business activities, products or services through supply chains or business partners. – Publish statements of their due diligence assessments. Companies should also be able to provide information on dealing with any negative consequences of their operations on human rights at the request of the public. – Publish annual reports on company's website and update them in case of significant change
Reach	<ul style="list-style-type: none"> – Own operations (via. subsidiaries) – Part of the supply chain: directly/indirectly controlled companies; Subcontractors and suppliers with an “established commercial relationship” 	<ul style="list-style-type: none"> – DD obligations applies in full to own operations (via subsidiaries) and direct suppliers 	<ul style="list-style-type: none"> – Own operations (via subsidiaries) – Whole supply chain (suppliers and subcontractors) 	<ul style="list-style-type: none"> – Own operations – Whole value chain (supply chain and non-supply chain business partners)
Legal liability	<ul style="list-style-type: none"> – Civil liability: Fault-based for harms that could have been prevented, caused by controlled companies (directly/indirectly), and subcontractors and suppliers with “established commercial relationship”. Victims must prove the harm, the breach and the causal link. – Any concerned party can file a complaint for non-compliance before the judge. The judge may give formal notice to comply in a 3 months period. If non-compliance persists, the judge may oblige the company to publish a plan and impose periodic penalty payments 	<ul style="list-style-type: none"> – Administrative sanctions (in form of fines) – No explicit civil liability provision – Injured parties would be able to authorize DE trade unions and NGOs to conduct civil proceedings in DE on their behalf 	<ul style="list-style-type: none"> – Administrative liability in the form of fines (up to 10% of annual turnover), exclusion from public procurement and confiscation of commodities – Civil liability for harms caused by subsidiaries and business partners (if direct connection to own goods or – Criminal liability for serious offenses 	<ul style="list-style-type: none"> – No civil liability provision – Any person can file a request for information about a company’s DD before the company. The company must answer within 3 weeks or 2 months, depending on the request – The Consumer Agency has the power to monitor compliance and may request confirmation that a relationship has ceased, issue prohibitions or injunctions, issue fine
Status	– In force since 2017	– Adopted in June 2021 Entering into force in January 2023	– Proposal (political parties)	– Adopted on June 11 th 2021

	 Belgium	 United Kingdom	 Australia	 Switzerland
Name	– Duty of Vigilance Bill	– Modern Slavery Act	– Modern Slavery Act (Commonwealth Act)	Duty of Care and Transparency (ordinance)
Scope	– All companies domiciled or operating in BE – Large companies (≥ 250 employees) are subject to certain obligations	– Company with a total turnover of > £36 million, domiciled or conducting business in the UK	– Australian company or conducting business in Australia with a total turnover of \$ 100 million	Large companies (companies meeting two of the following criteria: balance sheet of 20 Mio CHF; turnover of 40 Mio CHF; 250 full time employees)
Rights	– Human rights – Labour rights – Environment	– Modern slavery and human trafficking	– Modern slavery	– Metals and minerals coming from conflict zones – based on EU Conflict Minerals Regulation – Child labour – based on Dutch Child Due Diligence Act Non-financial reporting
Obligation	– Due diligence: all companies must conduct DD – Large companies must establish and implement an annual vigilance plan – Companies with > 250 employees must publish an annual vigilance plan	– Issue a statement setting out the steps taken to address slavery and human trafficking in the business and supply chain (or state that no steps have been taken). Including: Organisation structure, policies, due diligence process, part of the business where the risk is taking place, training available to staff – Should be published max 6 months after the end of its financial year and be publicly available – Must be approved by the board of directors (or equivalent) and signed by a director (or equivalent)	– Issue a statement setting out the steps taken to address modern slavery. Including: Organisation structure, the risks of modern slavery practice, actions taken to assess and address those risks, ways to assess the effectiveness of those actions, process of consultation – Should be published max 6 months after the end of its financial year and be publicly available – Must be published and submitted to the government. The government, in turn, must register compliant statements on an internet-based register.	– For companies with “grounded suspicion” of child labour: <ul style="list-style-type: none"> ▪ Establish a policy and management system ▪ Traceability: Provide a written list of production sites and contractors. ▪ Risk identification and evaluation ▪ Take measures to eliminate, prevent or reduce to the minimum the identified and evaluated risks. ▪ Consolidated reporting ▪ Exceptions to the due diligence requirements for companies presenting low risks and companies complying to international standards – Exemptions for companies: <ul style="list-style-type: none"> ▪ Presenting low risks (based on the UNICEF Children's Rights in the Workplace Index) ▪ Complying with or fulfilling international standards (ILO Conventions n° 138 and 182; ILO-IOE child labour guidance tool; OECD DD Guidance) <p><i>(this summary does not cover the two other obligations, not related to child labour)</i></p>
Reach	– Own operations (incl. subsidiaries) – Whole supply chain (suppliers and subcontractors)	– Own operations (incl. subsidiaries) – Whole supply chain	– Own operations (incl. subsidiaries) – Whole supply chain	– Own operations Value chain
Legal liability	– Administrative liability in the form of fine (up to €100,000), exclusion from public procurement – Civil liability for harms that could have been prevented. The ability to control or influence the relevant subsidiary or value chain partner is considered. Companies must prove they took all reasonable preventive measures – Criminal liability of the responsible director	– No penalties, but the government can seek court injunctions against businesses that fail to meet their obligations under the legislation	– No penalties for non-compliance, but the government may give a written request to provide an explanation for the failure to comply or to undertake specified remedial action in relation to that requirement – Government can disclose in the register any entity that failed to comply	N/A
Status	– Proposal (political parties)	– In force since October 2015 – In 2019, the UK government consulted on measures to strengthen the Act. The responses published in Sept. 2020 includes no commitment	– Adopted in 2018 – In force since January 2019	– Ordonnance adopted on December 3 rd 2021 – In force since January 2022

Taken from and inspired by the “Corporate due diligence laws and legislative proposals in Europe – Comparative table” developed by the European Coalition for Corporate Justice