

Ms Ursula Von der Leyen
The President of the European Commission
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels

cab-von-der-leyen-contact@ec.europa.eu
ec-president-vdl@ec.europa.eu

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Brussels, 27 September 2021

Dear Commission President, dear Ms Von der Leyen,

EPSU is writing you with regard to the long expected **EU law on mandatory Human Rights Due Diligence (mHRDD)**.

As you might recall following an own legal initiative report of the European Parliament on '[Corporate due diligence and corporate accountability](#)' (Rapporteur Lara Wolters) and an own Commission public consultation on 'Sustainable Corporate Governance' (SCG), the Commission, and more in particular Commissioner Didier Reynders committed it/himself to come forward with an EU law (in the form of a Directive) on mHRDD the latest by May this year. However, for unclear reasons and due to heavy business lobbying, the proposal vanished from the Commission's agenda. In addition, Justice Commissioner Didier Reynders has also been stripped of his sole responsibility for the file and will now share it with Internal Market Commissioner Thierry Breton, without reasons for such a double leadership.

For the moment, the Commission's agenda only provides for a discussion on "Sustainable Corporate Governance" (under Commissioner Jourová) on 27 October but whereby it is thus unclear both in terms of content as well as which (legal) instrument this actually entails.

EPSU and the whole European trade union movement is urgently asking the Commission to act and ensure that it immediately delivers on its commitment to bring forward a comprehensive and effective EU legislation on mandatory Human Rights Due Diligence, including Sustainable Corporate Governance.

Such an EU law in the form of a Directive should more in particular:

- should establish mandatory and effective due diligence mechanisms covering companies' activities and their business relationships, including their **supply and subcontracting chains**, it should cover all companies, **including SMEs**, as well as public sector organisations, which **are established (seat, headquarters or**

principal place of business) or active in the European Union, regardless of their legal forms;

- Building on international and European human rights instruments (i.a. ILO Conventions, Council of Europe European Convention of Human Rights and European Social Charter, the EU Charter of Fundamental Rights), it should constitute an important step forward to ensure **the respect and enforcement of human rights, including trade union and workers’ rights** (i.a. freedom of association and the right to collective bargaining and collective action, information, consultation and board-level representation rights, decent working conditions, occupational health and safety, fair wages, social security coverage);
- it should empower workers to **fight against violations of human rights** and it should ensure the **full involvement of trade unions and workers’ representatives** in the whole due diligence process;
- it should provide for **effective remedies and access to justice** should be available for victims, including trade unions, furthermore proportionate, effective and dissuasive sanctions for any violations by companies of their obligations should be provided for and include exclusion from public procurement and public funding, as well as financial sanctions in proportion with companies’ turnover and remediation;
- it should ensure that **companies are accountable for the impacts of their operations, civil and criminal liability** must be introduced for cases where companies fail to respect their due diligence obligations, without prejudice to joint and several liability frameworks.^[1]

This EU legislation is more than urgently needed and EPSU stands not alone in this call as testified by the hundreds of thousands replies of citizens, trade unions and (I)NGOs to the Commission’s public consultation as well as the more than 145.000 subscribers to a joint campaign by the European Trade Union Confederation (ETUC), the Austrian trade union confederation ÖGB, AK Europe, Friends of the Earth Europe (FoEE) and the European Coalition on Corporate Justice (ECCJ) on [‘Enforcing Human Rights Due Diligence’](#) (and which is also [supported](#) leading trade unions and INGO like the International Trade Union Confederation (ITUC) and Amnesty International).

EPSU thus really counts on your support in making sure the Commission comes forward with this (too) long awaited EU law.

We look forward to your response, clarification for the delay and urgent action.

Your sincerely,



Jan Willem Goudriaan
EPSU General Secretary

^[1] For a more elaborated position by the ETUC, to whom EPSU is affiliated, see, [ETUC Position for a European directive on mandatory Human Rights due diligence and responsible business conduct.](#)

Copy of this letter (sent by e-mail) to:

Mr. Bjoern.Seibert, Head of the Cabinet: bjoern.seibert@ec.europa.eu

EPSU Secretariat 40 rue Joseph II, box 5 – 1000 Brussels, Belgium
Phone: +32 2 250 10 80 Fax: +32 2 520 10 99 Mail: epsu@epsu.org www.epsu.org

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