

# FRANCE'S LOI DE VIGILANCE



GLOBAL COMPACT UK

MODERN SLAVERY WG MEETING – 12 SEPT. 2017



OPERATIONALISING HUMAN RIGHTS IN BUSINESS

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# Companies covered & requirements



**Stock companies headquartered in France and with employees :**

- 5000 in FR or
- 10,000 worldwide



**Must :**

- Establish a vigilance plan
- Implement the plan
- Publish the plan
- Publish annual implementation reports

# Scope & field



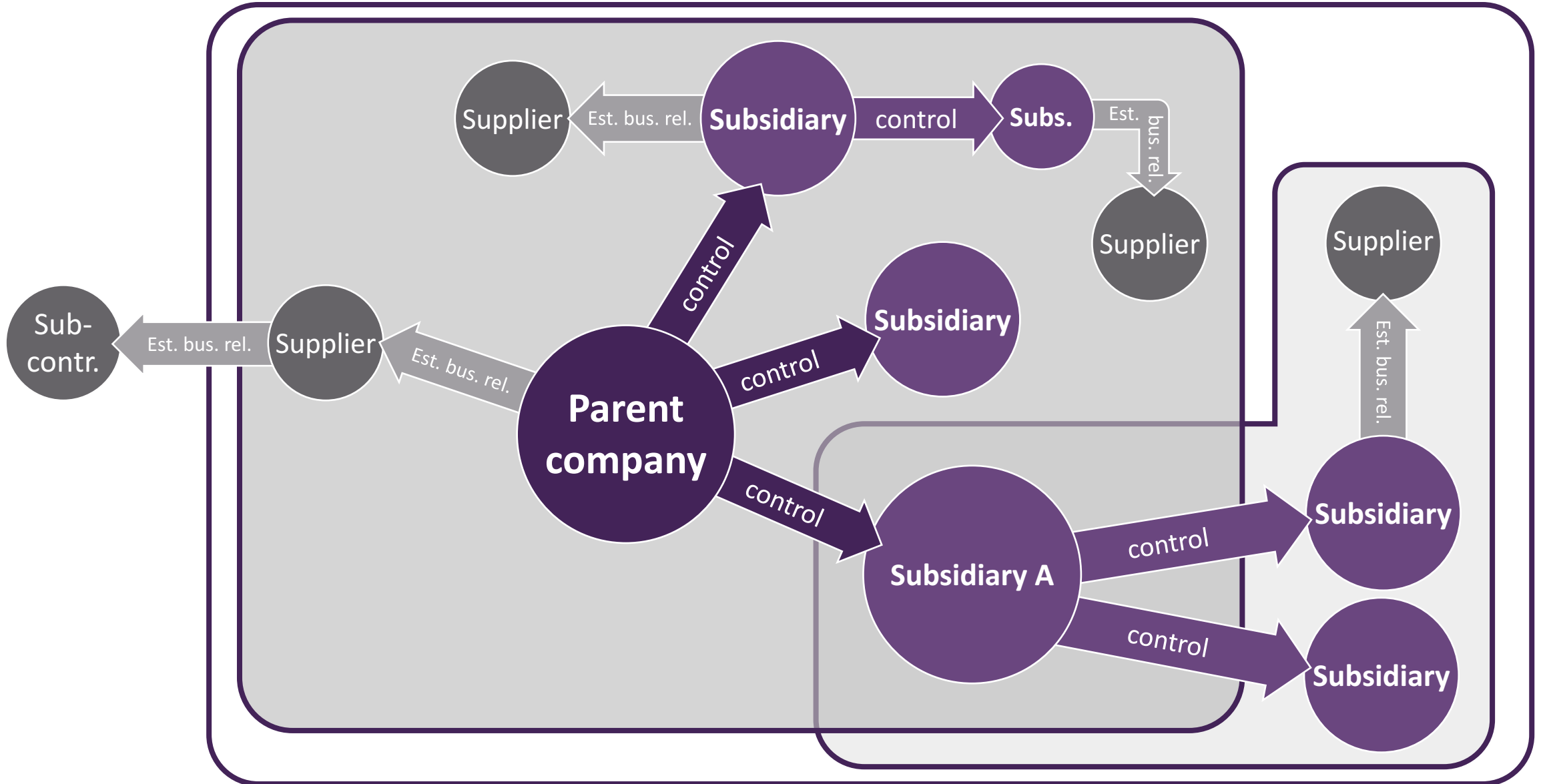
**Measures of reasonable vigilance designed to identify risks & prevent serious harm resulting from the activities of :**

- The stock company
- The companies it controls directly or indirectly (Art. 233-16 II. Com. Code)
- Subcontractors and suppliers with whom it has an established business relation, when those activities are linked to the relation



- **Human rights and fundamental liberties**
- **Health and security**
- **Environment**

# Relevant activities



# Content of the vigilance plan



## Vigilance Plan

- 1 Risk mapping: Identify, analyse, prioritise
- 2 Procedures for “regular” evaluations of subs. & suppliers
- 3 Actions to mitigate risks or prevent serious harm
- 4 Alert/whistleblower mechanism and database of alerts (in consultation with “representative trade unions”)
- 5 Monitoring of implementation measures & efficiency evaluation

# Liability for non-compliance



1

Formal notice from anyone  
⇒ 3 months to comply

2

If still non-compliant, injunctive relief by a judge,  
who may impose a penalty per day of non-compliance

# Liability for damages: tort principles



**Serious harm**

**Fault**

(poor VP/poor  
implementation)

**Causal link**

**Compensation**

**Burden of proof: Victims (& maybe others)**



# Loi de Vigilance & Modern Slavery Act



## Loi de Vigilance

Responsible business conduct

Plan & report

Health and safety, environment  
& human rights

All

French companies with:  
5,000 employees in France  
10,000 employees in the world

Parent company & its subsidiaries  
+ Suppliers & contractors (1st tier ?)

Notice & injunction  
+ civil liability

**Goals**

**Duty**

**Rights**

**Sectors**

**Scope**

**Targets**

**Penalty**

## Modern Slavery Act

Transparency in supply chains

Statement

Slavery and human trafficking

All

Some sort of business in UK  
+ Global turnover of at least £36 million

Parent company & its subsidiaries  
+ their supply chains (tiers?)

Injunction

# Contact Us



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