

The quest for labour rights and social justice

Work in a changing world

Edited by

Marco Mocella, Elena Sychenko



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Labour Law

IN NATIONAL, INTEGRATED AND
TRANSNATIONAL LEGALS SYSTEMS

Book series founded by Giuseppe Pera

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The quest for labour rights and social justice: the role of NGOs

Elena Sychenko, Marco Mocella¹

The last decades have introduced a variety of “alternative” ways to protect social rights at the international and regional level. Under alternative ways we mean those which were not foreseen in the ILO system. After the first and second world wars the ILO was the key driver of the struggle for the protection of labour rights². It was supposed to play the role in the international trade under the article of the Charter of the World Trade Organization (Havana charter) and have a voice in the international trade disputes resolution³. However, due to the non-ratification of the Havana Charter those ideas were never realized and labour standards don’t play a role in the GATT and the WTO system⁴. Currently the ILO faces a number of challenges, as, for example, the issue of the adequacy of the tripartite structure for the modern world⁵ or the questioning of the right to strike be

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² See, for example, Maupain F. (2020), “A Second Century for What?: The ILO at a Regulatory Crossroad”, *International organizations law review*, 17(1): 291-343.

³ See the text of the Charter available at: www.wto.org/english/docs_e/legal_e/havana_e.pdf.

⁴ Jensen J.M. (2016), “Negotiating a World Trade and Employment Charter: The United States, the ILO and the Collapse of the ITO Ideal”, *The ILO from Geneva to the Pacific Rim: West Meets East*, pp. 83-109, London: Palgrave Macmillan UK; Graz J.-C. (2016), “The Havana Charter: when state and market shake hands”, *Handbook of Alternative Theories of Economic Development*, pp. 281-290, Edward Elgar Publishing.

⁵ Standing G. (2008), “The ILO: An Agency for Globalization?”, *Development and Change*, 39, pp. 379-380, cited from La Hovary C. (2015), “A Challenging Ménage à Trois? Tripartism in the International Labour Organization”, *International Organizations Law Review*, 12: 204-236, DOI: 10.2139/ssrn.2684455.

employers⁶. In the same time, the reference to the ILO standards in the new EU framework for due diligence which aims “to comprehensively cover human rights, including all five fundamental principles and rights at work as defined in the 1998 ILO Declaration on fundamental principles and rights at work” opens the new venues for the protection of labour rights and solving the quest of social justice.

In this brief chapter, we will consider the role of the NGOs in the protection of labour rights at the UN and the OECD and in the implementation of the due diligence obligations by business under the new EU Due Diligence Directive. We will argue that with the years the role of other venues than ILO for the protection of labour rights has strengthened. In the same time, as it will be demonstrated below, ILO is still at the forefront and its standards are a source of legitimacy and interpretative guidance for the human rights bodies⁷ and for the alternative venues of labour rights protection.

1. The role of NGOs in labour rights protection

NGOs don't play a role in the structure of the ILO and there has been criticism of this point⁸. However, NGOs still play a significant role in the international protection of labour rights. Mentioning just a few of the opportunities we can refer to the mechanisms of human rights protection at the UN level, to the OECD system and the envisaged role of the NGOs in the new EU system of due diligence.

1.1. The role of NGOs in protection of labour rights at the UN

Almost all UN human rights conventions and both covenants have a part on labour rights: International Covenant on Civil and Political Rights (ICCPR) enshrines the freedom of association, the prohibition of discrimination and forced labour; Covenant on Economic, Social and Cultural Rights (ICESCR)

⁶ Bellace J.R. (2018), “ILO Convention No. 87 and the Right to Strike in an Era of Global Trade”, *Comparative Labor Law & Policy Journal*, 39(3): 495-530; Hornung-Draus R. (2018), “The Right to Strike in the ILO System of Standards: Facts and Fiction”, *Comparative Labor Law & Policy Journal*, 39(3): 531-536.

⁷ Christian E.F., Oelz M. (2012), *Bridging the gap between labour rights and human rights: The role of ILO law in regional human rights courts*, ILO.

⁸ Thomann L. (2008), *The ILO, Tripartism, and NGOs: Do Too Many Cooks Really Spoil the Broth?*, in Steffek J., Kissling C., Nanz P. (eds.), *Civil Society Participation in European and Global Governance. Transformations of the State*, London: Palgrave Macmillan, London.

lists the number of individual and collective labour rights including the right to decent wage⁹ and to strike (articles 7 and 8), other human rights convention protect most vulnerable groups from discrimination at the workplace (e.g. Convention on the Elimination of All Forms of Discrimination against Women, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Rights of Persons with Disabilities)¹⁰.

At the level of the UN, NGOs are engaged in the two possible procedures of the monitoring of the state compliance with the UN human rights covenants and Conventions. They may represent people making individual communication about the violation of the UN norms in case if the relevant state has ratified the option of an individual communication. An individual communication might be sent by any person alleging a breach of their rights under the respective treaty, or from a third party representing an individual, also an NGO, who has provided their consent in writing or is unable to do so. Occasionally, complaints may be lodged on behalf of collectives of individuals (such as to the HRC, CESCR, CERD, CEDAW, CRPD, or CRC) whose rights have been violated.

NGOs under UN human rights instruments might also present alternative reports on the implementation of international standards by reporting countries. The research of the jurisprudence of the UN human rights committees demonstrates that ILO standards are often used as an argument by the NGOs. The comments by ILO bodies are an important tool for the estimation of state's compliance with the human rights obligations¹¹ under the Covenant on Economic, Social and Cultural Rights. The alternative reports of the NGOs might be easily found on the site of the UN dedicated to the sessions of the human rights committees and serve as a valuable source of the real-life information about the situation in the country¹². These reports often evidence the violation of the labour rights and refer to the ILO Conventions and the jurisprudence of the ILO bodies. As an example, we can refer to the report prepared by the Cotton Campaign about the problem of forced labour in Turkmenistan¹³. Cotton Campaign is coalition of international

⁹ See ICESCR, *General comment No. 23 (2016) on the right to just and favourable conditions of work*.

¹⁰ www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies.

¹¹ Sychenko E. (2021), "ILO Contributions to the Jurisprudence of International Human Rights Bodies", *Zbornik Pravnog fakulteta u Zagrebu*, 71(6): 897-920.

¹² See, for example, sessions for the CESCR available at: tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR.

¹³ Cotton Campaign Submission to the UN Human Rights Committee 137th session (27

human and labor rights NGOs, brand and retail associations, responsible investor organizations, supply chain transparency groups, and academic partners, united to end forced labour and promote decent work for cotton workers in Central Asia¹⁴. They have provided the report which has become the cornerstone for the Concluding observations of the UN Human Rights Committee (HRC) on forced labour¹⁵. As another example we can refer to the report of the Migrant Working Group – a network of non-governmental organizations working on migrant workers’ rights – on the situation of migrant workers in Thailand¹⁶.

Therefore, even though the NGOs don’t have a role in the monitoring mechanism elaborated by the ILO (see procedures under articles 27-33 of the ILO Constitution), they still play an important role in the implementation of the ILO standards and the promotion of labour rights as human rights in the UN system.

1.2. The NGO’s role in promoting international labour standards in the OECD system

OECD has created its own unique system of National contact points (NCPs) for the consideration of the violations of human rights and the violations of labour rights are considered most often. This mechanism has been part of the Guidelines since the 2,000 review¹⁷. The Procedural Guidance to the OECD Guidelines states: “Consistent with the objective of functional equivalence and furthering the effectiveness of the Guidelines, adhering countries have flexibility in organising their NCPs, seeking the active support of social partners, including the business community, worker organisations, other non-governmental organisations, and other interested

February – 24 March 2023), *Third Periodic Report of Turkmenistan State-Imposed Forced Labor in the Turkmen Cotton Industry*, text available at: tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=Z2evgg/KQitPmEcSGMucoGp4gyAs/dbqrZrsUIWmUocLMiCRild14NPYjAgfjpkLFqvCOK4GCAFhsJAprAhxLUQ==.

¹⁴ www.cottoncampaign.org/.

¹⁵ HRC (20017), *Concluding observations on the second periodic report of Turkmenistan*, text available at: documents.un.org/doc/undoc/gen/g17/096/09/pdf/g1709609.pdf?token=c1TGe6Nb3F5ucREP0K&fe=true.

¹⁶ Migrant Working Group (MWG) (2017), *Civil Society Report on the Implementation of the ICCPR (Replies to the List of Issues CCPR/C/THA/Q/2) Thailand, 31 January 2017*; text available at: tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FTHA%2F26534&Lang=en.

¹⁷ OECD (2018), *Structures and Procedures of National Contact Points for the OECD Guidelines for Multinational Enterprises*.

parties²¹⁸. According to the rules, any entity – an individual, organisation or community – may allege in a specific instance that a company has not observed the OECD Guidelines and may submit a formal request to an NCP. These instances are not legal cases and NCPs are not judicial bodies but their opinion often matters for the companies and they tend to cooperate with the NCPs. According to the most recent OECD report, in 2022 NGOs and individuals remained the primary submitters in closed cases, accounting for 37% and 29%, respectively while the trade unions were close behind with 27% of submissions¹⁹. Also, among over 650 specific instances that have been treated by country NCPs in over 100 countries almost a half of cases (331 case) was on employment and industrial relations²⁰.

In the OECD system one can find 94 cases on labour rights brought before the NCPs by NGOs²¹. For example, in the recent case “Former employees of DRC company vs. anonymous UK company” the NGO presented several former employees of an anonymous company, a natural resource supplier operating in the Democratic Republic of Congo. They complained that the respondent had not met various expectations in the OECD Guidelines regarding carrying out risk-based due diligence on suppliers in relation to, inter alia, labour rights (including workers’ rights to engage in constructive negotiations on terms and conditions of employment)²². The application and the agreement reached is confidential and there is no information in the final statement about the details of the violation. However, we may presume that the violation of collective labour rights might have been substantiated through the reference to the ILO standards as they are mentioned in the Chapter V of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. This chapter of the Guidelines was “designed to echo all fundamental principles and rights at work which are contained in the ILO Declaration on Fundamental Principles and Rights at Work”²³.

These examples demonstrate that the importance of NGOs for the protection

¹⁸ Structures and Procedures of National Contact Points for the OECD Guidelines for Multinational Enterprises, text available at: <chrome-extension://efaidnbnmnibpcjpcgl-clcfindmkaj/https://mneguidelines.oecd.org/Structures-and-procedures-of-NCPs-for-the-OECD-guidelines-for-multinational-enterprises.pdf>.

¹⁹ The 2022 Annual Report on the activity of National Contact Points for Responsible Business Conduct, text available at: <mneguidelines.oecd.org/ncps/annual-report-of-NCPs-2022-highlights.pdf>.

²⁰ See the OECD NCPs database, text available at: <mneguidelines.oecd.org/database/>.

²¹ www.oecdwatch.org/complaints-database/?fwp_oecd_complaint_keyword=labour-rights.

²² NCP United Kingdom (2024), *Final statement: former employees of Democratic Republic of Congo company complaint to UK NCP about UK based company*, text available at: www.oecdwatch.org/complaint/30794/.

²³ OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, text

of human rights is growing with years and despite the lack of the special procedures for the monitoring of the ILO standards which might be launched by the NGOs, these actors use alternatives ways to contribute to social justice at the UN and the OECD level. Recently, with the adoption of the new EU directives on corporate sustainability reporting (CSRD)²⁴ and on due diligence (DDD)²⁵, their role was emphasized in the EU. For example, according to the *Article 29 of the DDD*, non-governmental organization might be authorized by an alleged injured party of the violation of human/labour rights to bring actions to enforce the rights of the alleged injured party and ensure the civil liability of companies and the right to full compensation. Also, NGOs are among the subjects that might be consulted in the process of materiality assessment and are mentioned as the stakeholders in the due diligence rules. Below we will consider the new EU norms on due diligence, their significance for the labour rights protection and the role of NGOs in this process.

2. The new EU system of due diligence and the role of the NGOs

But the consequences in terms of risks for workers in global value chains were such that first some European nations then the EU Commission itself intervened in the matter.

In order to harmonise national protection standards both for the benefit of a better functioning of the market and for the more effective protection of social and environmental rights (see recitals 3, 21 and especially 99 of the Directive), the European legislator presented on 23 February 2022 a proposal for a Due Diligence Directive²⁶. The long process finally culminated in the approval of Directive (EU) 2024/1760 of 13 June 2024 on a company's sustainability due diligence, amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859²⁷.

available at: www.oecd-ilibrary.org/deliver/81f92357-en.pdf?itemId=%2Fcontent%2Fpublication%2F81f92357-en&mimeType=pdf.

²⁴ Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting, text available at: eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022L2464.

²⁵ Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, text available at: eur-lex.europa.eu/eli/dir/2024/1760/oj.

²⁶ See footnote 24.

²⁷ On the proposal of the directive, amongst others, Sanguineti R.W. (2022), *Diligencia debida y trabajo decente en las cadenas globales de valor*, Thomson Reuters Aranzadi;

2.1. The scope of application of the new Directive

The first national experiences, in particular French and German but also partly Norwegian and Dutch, pushed the adoption and influenced the European standard. It is worth mentioning that the scope of application of the DDD is wider than of the national norms: the French Law No. 2017-399 (Loi de vigilance) provides for a vigilance duty of companies employing more than 5,000 employees in France and 10,000 employees worldwide on their global value chain²⁸; the German Due Diligence Act applies to large companies with headquarters or a secondary head office in Germany with more than 3,000 employees as of 2023 and with 1,000 employees as of 2024. However, it does not apply to foreign companies that do not have a head office or a branch in Germany, even if they provide goods and services on the German market²⁹. The Norwegian law on due diligence on human rights applies to large companies that reside in Norway, but also to foreign companies that offer goods and services and are subject to taxation in Norway. Those can be large enterprises as defined in internal law or enterprises exceeding the threshold of two of the following three conditions: sales revenue of NOK 70 million, a balance of NOK 35 million or 50 full-time employees in the last financial year³⁰.

The European Directive as a general rule covers the companies that had more than 1,000 employees on average (this threshold was significantly raised in the last version of the Directive) and had a net worldwide turnover of more than EUR 450,000,000 in the last financial year, thus the scope is wider than the majority of national laws³¹ at least as far as the number of employees are concerned.

Murgo M. (2022), “La proposta di direttiva sulla corporate sustainability due diligence tra ambizioni e rinunce”, *Diritto delle Relazioni Industriali*, 943 ss.

²⁸ Gustafsson M.T., Schilling-Vacaflor A., Lenschow A. (2022), “Foreign corporate accountability: The contested institutionalization of mandatory due diligence in France and Germany”, *Regulation & Governance*, 17(4).

²⁹ On national legislation see Koos S. (2022), “The German Supply Chain Due Diligence Act 2021 and Its Impact on Globally Operating German Companies” in *Proceedings of the 2nd Riau Annual Meeting on Law and Social Sciences (RAMLAS 2021)*, text available at: www.atlantis-press.com/proceedings/ramlas-21/125973359; Krajewski M., Tonstad K., Wohltmann F. (2021), “Mandatory Human Rights Due Diligence in Germany and Norway: Stepping, or Striding, in the Same Direction?”, *Business and Human Rights Journal*, 6(3), text available at: DOI: 10.1017/bhj.2021.43; Weihrauch D., Carodenuto, Leopold S. (2022), “From voluntary to mandatory corporate accountability: The politics of the German Supply Chain Due Diligence Act”, *Regulation & Governance*, text available at: onlinelibrary.wiley.com/doi/full/10.1111/rego.12501.

³⁰ Krajewski M., Tonstad K., Wohltmann F., *op. cit.*, p. 553.

³¹ According with Murgo M., *La proposta di direttiva sulla corporate sustainability due diligence tra ambizioni e rinunce*, cit., pp. 943 ss, around 13,000 companies from the EU

Both “companies that are incorporated in accordance with the law of a Member State” (Art. 2(1)) and “companies that are incorporated in accordance with the law of a third country” operating within the single market (Art. 2(2)) are subject to the requirements.

Of course, since companies are normally located in several countries, the responsibility to avoid negative environmental and social impacts concerns not only the activities of the company itself but also those of its subsidiaries, as well as those “in the value chain carried out by entities with which the company has an established business relationship”.

In this way, of course, the scope of the directive already extends outside the territory subject to European law. However, the real novelty compared to national regulations (except for the Norwegian one) is the inclusion of companies operating in the EU territory that are obliged to comply with the regulation. Any multinational company wishing to have a significant presence in the EU market will have to comply with the regulation. Thus, the scope of the directive is extended far beyond the territory subject to EU rules.

In this way, the EU gets global leadership on human rights introducing an interesting new mechanism to oblige companies not normally subject to European law to respect its principles.

2.2. The role of NGOs in the due diligence process under the DDD

It has been highlighted that, as large companies are highly susceptible to reputational ranking, NGOs are an effective instrument of control and pressure on multinationals³². NGOs can enable the transition to more sustainable social and industrial systems³³. NGOs act as watchdogs regarding the existence of

and another 4,000 from third countries would be involved. According to the same author, the principle of nationality is expressly adopted by German law, and by French law: see, critically, Schiller S. (2019), “Synthèse Introductive”, in *Le Devoir De Vigilance*, Lexisnexis, p. 3, the territorial one by the Dutch Child Labour Due Diligence Act and the Anglophone laws on modern forms of slavery and the Norwegian one. In general, for an extensive reconstruction, Sanguineti R.W., Vivero Serrano J. (2023), *La dimensión laboral de la diligencia debida en materia de derechos humanos*, Aranzadi.

³² Schäfer N., Petersen L. Hörisch J. (2024), “The Interplay Between Supply Chain Transparency and NGO Pressure: A Quantitative Analysis in the Fashion Industry Context”, *Journal of Business Ethics*, 192: 713-727, p. 715 ss., text available at: doi.org/10.1007/s10551-023-05480-3. See also Garcíandia R. (2023), “Accountability of NGOs: The Potential of Business and Human Rights Frameworks for NGO Due Diligence”, *King’s Law Journal*, 34(3): 524-545, text available at: www.tandfonline.com/doi/pdf/10.1080/09615768.2023.2283235.

³³ Gualandris J., Klassen R. (2018), “Emerging discourse incubator: delivering transformational change: aligning supply chains and stakeholders in non-governmental organiza-

abuses in the supply chain thanks to the supply chain information disclosed by the companies themselves.

If they find unsustainable conditions, they put pressure on companies to improve working conditions. In addition, they provide information on the supply chain to the public which, in the same way, can put pressure on companies to substantially improve conditions for suppliers and thus for workers. Thanks to pressure from NGOs to overcome unethical and unsustainable practices, many companies have changed their supply chains³⁴.

To this typical function of NGOs, some authors have recently identified a new one that monitors a company's compliance with predetermined standards and provides external stakeholders with the assurance that the company has complied with its voluntary obligations³⁵.

This function is well regarded by companies with strong roots in international markets that usually prefer more structured and recognised NGOs with greater consumer recognition³⁶. For this reason, companies involved in global value chains (GVCs) prefer the use of soft law (codes of conduct etc), that is better perceived by business than state intervention, as national laws or directives.

tions", *Journal of Supply Chain Management*, 54(2): 34-48, text available at: onlinelibrary.wiley.com/doi/abs/10.1111/jscm.12164; Rodriguez J.A., Gimenez Thomsen C., Arenas D., Pagell M. (2016), "Ngos' initiatives to enhance social sustainability in the supply chain: poverty alleviation through supplier development programs", *Journal of Supply Chain Management*, 52(3): 83-108, text available at: onlinelibrary.wiley.com/doi/abs/10.1111/jscm.12104. For an empirical study: Chen S., Zhang Q., Zhou Y.-P. (2019), "Impact of Supply Chain Transparency on Sustainability under NGO Scrutiny", *Production and Operations Management*, 28(12): 3002-3022, text available at: onlinelibrary.wiley.com/doi/abs/10.1111/poms.12973; Prakash Sethi S., Rovenpor J. (2016), "The Role of NGOs in Ameliorating Sweatshop-like Conditions in the Global Supply Chain: The Case of Fair Labor Association (FLA), and Social Accountability International (SAI)", *Business and Society Review*, 121(1): 5-36, p. 6 ss. See also Garcandia R. (2023), "Accountability of NGOs: The Potential of Business and Human Rights Frameworks for NGO Due Diligence", *King's Law Journal*, 34(3): 524-545, text available at: www.tandfonline.com/doi/pdf/10.1080/09615768.2023.2283235. On how to identify better NGOs, according to Garcandia (2023), it is possible to apply business and human rights legal frameworks to NGOs and whether this could contribute to a better approach to the accountability of NGOs, focusing on due diligence rules.

³⁴ Chatain O., Plaksenkova E. (2019), "NGOs and the creation of value in supply chains", *Strategic Management Journal*, 40: 604-630, pp. 604 ss.

³⁵ Prakash Sethi S., Rovenpor J. (2016), "The Role of NGOs in Ameliorating Sweatshop-like Conditions in the Global Supply Chain: The Case of Fair Labor Association (FLA), and Social Accountability International (SAI)", *Business and Society Review*, 121(1): 5-36, p. 10 ss.

³⁶ Chatain O., Plaksenkova E. (2019), "NGOs and the creation of value in supply chains", *Strategic Management Journal*, 40: 604-630, pp. 604 ss.

The DD Directive shows considerable attention to the involvement of stakeholders, including NGOs, and also expressly including workers through their organisations (considerando 65, 66 and 67). In fact, Art. 13 of the directive is expressly devoted to dialogue with stakeholders. The definition of stakeholders in Article 3(1)(n) is extremely broad³⁷.

They, in fact, must be consulted both in the identification of negative impacts (Art. 13 para. 3 letter a) and in the drafting of operational prevention plans and corrective action plans (letter b)³⁸. Also, in taking the decision to terminate or suspend a business relationship under Art. 10(6) and 11(7) (sub-para. c) and in identifying repairs under Art. 12 (letter d). But above all, when developing qualitative and quantitative indicators for the monitoring the compliance with HR and labour standards required under Article 15 (e).

With regard to the role of trade unions, it is explicitly recognised within the complaints procedure (Art. 14 para. 2 letter b but also Art. 29 para. 3 letter d), where civil society organisations that are active and experienced in the areas covered by the complaint may also submit it.

In any case, all stakeholders can monitor compliance with social and environmental parameters through the mandatory declarations that companies must publish under Directive (EU) 2022/2464 on corporate sustainability reporting. Furthermore, they have the right to request relevant and complete information in addition to that required by law (Art. 13 para. 2).

Compared to national regulations, the directive makes considerable progress with regard to the involvement of NGOs. In fact, the French law on the duty of vigilance provides only that the mechanism for alerting and collecting complaints must be agreed with the trade unions. Similarly, the German law limits itself, according to Art. 1, sect. 2, para. 4, para. 4, to providing that companies only have to take the position of the stakeholders into consideration.

The role of stakeholders in the Directive is more intense, including trade unions, also thanks to the corrective action taken by Parliament. It

³⁷ “Stakeholders” means employees of the company, employees of its subsidiaries, trade unions and workers’ representatives, consumers and other individuals, groups, communities or entities whose rights or interests are or could be affected by the products, services and activities of the company, its subsidiaries and business partners, including employees of business partners and their respective trade unions and workers’ representatives, national human rights and environmental institutions, civil society organisations whose purposes include environmental protection, and legitimate representatives of such individuals, groups, communities or entities.

³⁸ Murgo M., *op. cit.*, and “Appunti per una corporate sustainability due diligence equa”, in Sanguineti Raymond W., Vivero Serrano J. (2023), *La dimensión laboral de la diligencia debida en materia de derechos humanos*, Aranzadi.

is envisaged that companies must dialogue with stakeholders (Art. 5(e)), including trade unions and other employee representatives, at all stages of due diligence (Art. 7(2)).

The role attributed to stakeholder consultation by the Commission for the purpose of adopt guidelines on voluntary standard contractual clauses (Art. 18) and general guidelines and guidelines specific to certain sectors or certain negative impacts (Art. 19) is also worth noting.

3. Conclusions

The above analysis shows the importance of NGOs in the protection of labour rights as human rights and their important role as stakeholders in the process of due diligence.

While in the ILO monitoring system they are not formally considered, in the UN system they can play an active role, either by submitting complaints on behalf of the victims or alternative reports about the violation of the UN norms. In the OECD framework, NGOs may submit a formal request to an NCP and are the most frequent applicants in the cases relevant to labour rights.

The role of the NGOs under the DDD is extensive. They may not only file complaints, but have a proactive and controlling role. The Commission itself is required to consult them for the purpose of drafting sectoral guidelines in order to assist companies or Member State authorities in defining the way in which companies must fulfil their due diligence obligations (Art. 19 (1) and (2a)).

Compliance with these rules must be ensured by the Member State when transposing the directive. The area of application of the DDD makes it possible to consider that the European standards, but also the international labour standards referred to, must be respected by all multinational companies. The effect of these two innovations, the extension of the scope of the Due Diligence Directive and the increased weight of NGOs, is expected to increase the importance of these also outside the EU. This is the new challenge for NGOs in the future world of work.

The world has changed significantly in the time passed since the last ISLSSL World Congress held in Turin in 2018. Covid, wars and political crises suffered by different countries had a strong impact on the world of work. Digitalization and globalization are the factors which still reshape regulations and challenge the social justice all over the world. The World Congress in Rome has set the objective to discuss those trends within five broad topics covering both individual and collective labour and the social security issues. In this volume we have collected the papers of the keynote speakers of the Congress considering different aspects of the modern quest for labour rights and social justice.

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