



# **Social**



# **LobbyMap**

## **METHODOLOGY CONSULTATION**

A project that aims to increase transparency and analysis on corporate lobbying on human rights policies.

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# EIRIS FOUNDATION: Social LobbyMap DRAFT Methodology

## CONTENTS

INTRODUCTION.....	3
TESTING THE APPROACH .....	3
DRAFT METHODOLOGY.....	4
Sectors covered.....	4
Types of sources .....	4
Timeframe for information to count.....	5
Indicators .....	5
Q1 HUMAN RIGHTS DUE DILIGENCE.....	6
Q2 REMEDY.....	6
Q3 VALUE CHAIN HUMAN RIGHTS DUE DILIGENCE .....	7
Q4 STAKEHOLDER ENGAGEMENT.....	7
Q5 FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING .....	8
Q6 FORCED LABOUR .....	8
Q7 CHILD LABOUR.....	9
Q8 DISCRIMINATION.....	9
Q9 HEALTH AND SAFETY .....	10
<b>Framework</b> .....	10
<b>How indicators will be scored</b> .....	12
Examples of how the scoring is applied .....	13
REMEDY .....	13
HRDD.....	15
NEXT STEPS.....	17



## INTRODUCTION

The EIRIS Foundation's Social LobbyMap (SLM) aims to increase transparency and analysis of corporate lobbying on legislation introducing mandatory human rights due diligence and core labour rights legislation. By doing so, we seek to encourage political engagement that supports human rights policies and enable investors, civil society, and others to hold the business sector accountable where it is trying to weaken or undermine human rights legislation.

The SLM closely follows Influence Map's approach and rationale for looking at government policy, which identifies and publicises how companies and their trade associations are lobbying governments on climate-related policy proposals. We will focus on assessing corporate engagement against human rights legislation. These relate to the existing, evolving, and likely future policies and regulations of government bodies focused on implementing the UN Guiding Principles on Business and Human Rights or elements thereof.

The project aims to provide independent research, assessment and scoring on the political engagement<sup>1</sup> from two types of entities, namely *companies and industry associations*.

The focus will be on direct engagement with policy makers and may also include efforts to influence voters' opinions (e.g., in the case of Californian ballot proposals or Swiss referendums).

Rather than looking at an entities' lobbying policies and processes, we want to understand how an entity engaged with policy makers in practice on specific policy proposals and, i.e., whether it lobbied in favour or against a legislative effort on human rights. As such the work mirrors what [InfluenceMap](#) is undertaking with its LobbyMap platforms in the climate space.

## TESTING THE APPROACH

Early on in this process, we concentrated on testing if the Influence Map approach could be applicable to social policies. More specifically, we focus the testing on the areas of *mandatory human rights due diligence, remedy, supply chains, stakeholder engagement and the five ILO core labour standards*.

We decided to concentrate on the 'EU Directive on Corporate Sustainability Due Diligence' (CSDDD) as the authoritative voice to analyse those areas given the high engagement of companies and trade associations.

Since the CSDDD proposal had several consecutive consultation phases we looked into all the three phases of the legislative proposal a) to following Influence Map's approach of "best reflect the government bodies' original intent" and b) to see how lobbying throughout the three phases of the consultation had influenced them. The three phases were:

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<sup>1</sup> Note the terms 'political engagement' and 'lobbying' are used interchangeably in this document.

- Roadmap (Jul 2020 - Oct 2020) – Feedback period (general comments on the concept note provided by the Commission)
- Public consultation (Oct 2020 - Feb 2021) – Consultation period (specific questions in extensive questionnaire)
- Consultation on Commission adoption (Mar 2022 - May 2022) – Feedback period (feedback on the text of the proposal published by the Commission on 23<sup>rd</sup> Feb 2022)

As the CSDDD does not cover labour issues directly, we decided to look into other legislation to frame the research such as the EU Forced Labour Ban, the EU Directive on Improving Working Conditions in Platform Work, the US Employee or Independent Contractor Classification Under the Fair Labor Standards Act, US - Trade Strategy to Combat Forced Labor, and the US PRO Act.

## DRAFT METHODOLOGY

### Sectors covered

At first, we will concentrate on the sectors below which will cover about 60 companies. This will include:

- 40 renewable and mining companies from the PRI Advance Initiative
- 10 companies from the Finance sector
- 10 companies from the Apparel sector
- 30 trade associations, including both cross-sectoral associations as well as associations in the four aforementioned sectors.

In the next two years we aim to increase the number of researched entities to cover the remaining cross-sectoral trade associations that made submissions to the EU CSDDD.

### Types of sources

The research focuses on the following responses to specific legislative efforts, namely:

- Consultation responses: Legislative bodies often put out calls for input from the general public. This is a way of making the legislative process more inclusive and participatory and hear the opinions of a variety of stakeholders. This can take many forms, such as open calls for input on a topic, or more structured/specific questions regarding certain policy proposals. Consultations most often focus on whether or not to introduce a legislation and what a legislation should look like. It may also only focus on how to implement certain policy measures (Example: the US' Uyghur Forced Labour Prevention Act). Consultation responses may be publicly available or made public through freedom of information requests.
- Meetings, email exchanges, and other direct engagement with policy makers on specific legislative efforts. Meeting notes or content may be obtained through freedom of information requests or via media.

- Indirect engagement with policy makers, e.g., open letters to policy makers or other public statements of opinions on specific legislative efforts. These may stem from industry association websites.
- Corporate websites - This includes websites, subsidiary (>49% ownership) websites, CSR reports, annual reports, briefing papers, position papers, joint position papers/jointly signed open letters.
- Media articles and other external reports - Media sources to use are respectable/recognized global or regional press outlets and business press.

## Timeframe for information to count

We follow the approach from InfluenceMap which is that “historical” evidence is weighted less than more recent evidence. Evidence older than three years does not significantly contribute to an organization’s score. It is left archived on the profile to allow users to see how the narrative of the organization has evolved.”<sup>2</sup>

Information assessed will typically not be older than three years. Information older than five years will not be included.<sup>3</sup>

## Indicators

We have broken down the themes into individual indicators that are considered to be key elements of policy acts, in line with the UN Guiding Principles on Business and Human Rights and ILO Declaration on Fundamental Principles and Rights at Work. Our assumption is that including these standards in any proposed policy framework on human rights and business, would strengthen both process and human rights performances. This also ensures a more granular analysis of lobbying on specific parts of human rights and core labour legislations

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<sup>2</sup> Influence Map, “[FAQs: How do you score companies?](#)”. Accessed 4 November 2022.

<sup>3</sup> Despite the focus on recent information, InfluenceMap also noted the importance of going back as far as five years to allow to assess how companies’ policy engagement may have changed over time.

## Q1 HUMAN RIGHTS DUE DILIGENCE

*Sources: UNGP 17 to 21; OECD Due Diligence Guidance for Responsible Business Conduct*

Human Rights Due Diligence is an ongoing risk management process that a company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts.

The UN Guiding Principles **17-21** expect a company to implement a risk approach mitigation that includes four key steps: identifying and prioritising actual and potential human rights impacts, integrating action to prevent, minimise and mitigate risks identified, tracking the actions taken and any impacts occurring to measure and improve the effectiveness of those actions, and communicating policies and how impacts are being addressed to rightsholders.

Q1.1	Making human rights due diligence a legal requirement for companies including systems to identify, assess, mitigate or manage human rights risks and impacts to improve that process over time and to disclose the risks and impacts, the steps taken and the results.
Q1.2	Requiring Human rights due diligence of all companies, regardless of sector and size, while still reflecting their individual circumstances.
Q1.3	Implementing an enforcement mechanism where companies fail to carry out due diligence as described.
Q1.4	Including in the duties of directors and company law obligations to avoid human rights impacts or “harms”.

## Q2 REMEDY

*Sources: UNGP 13a, 22-24 and 25-31; OECD Due Diligence Guidance for Responsible Business Conduct*

The Guiding Principles state that businesses should “avoid causing or contributing to adverse human rights impacts through their own activities”. When a company identifies it has caused or contributed to adverse impacts to human rights, it should provide for or co-operate in the remediation of the adverse impacts through legitimate processes intended to deliver effective remedy. And no other forms of seeking remedy should be prevented.

Q2.1	Require companies to provide remedy for human rights impacts they have caused or contributed to.
Q2.2	Require companies to exert leverage on and/or provide support to their counterparties in the remediation of human rights impacts that are linked to company activities through their business relationships (e.g their value chains)
Q2.3	Require companies to provide grievance mechanisms for all stakeholders including those in the value chain.
Q2.4	Require companies to actively engage, consult and involve rights-holders at all stages of the remediation process.

Q2.5	Enabling judicial enforcement with liability and compensation in case of harm caused by not fulfilling the due diligence obligations.
Q2.6	Enable and support effective remedy by allowing victims of the actions of subsidiaries outside the parent company's home country to sue the parent company if victims are not able to find remedy in their own country.

### Q3 VALUE CHAIN HUMAN RIGHTS DUE DILIGENCE

*Sources: UNGP 14; UNGP 15; OECD Due Diligence Guidance for Responsible Business Conduct*

The UN Guiding Principle 14 asserts that businesses should have policies and processes in place that are proportionate to factors including size, sector, operational context, business structure, and the severity of the business' adverse human rights impacts. For a business to effectively manage the risks that their operations may cause, they need to understand the scale and scope of the problem they may face.

In addition, the GPs also state that the Due Diligence should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.

Q3.1	Require companies to implement a due diligence process covering their value chain to identify, prevent, mitigate and remediate human rights impacts and improve that practice over time.
Q3.2	Require assessment and additional action (e.g. capacity building or monitoring of suppliers) where the risks for severe human rights impacts are greatest.
Q3.3	Require that companies implement contract clauses and Code of Conduct with business partners clarifying obligations to avoid and to address human rights harms.

### Q4 STAKEHOLDER ENGAGEMENT

*Sources: UNGP 18; OECD Due Diligence Guidance for Responsible Business Conduct*

The UN Guiding Principle 18 states that 'to enable business enterprises to assess their human rights impacts accurately, they should seek to understand the concerns of potentially affected stakeholders by consulting them directly in a manner that takes into account language and other potential barriers to effective engagement. In situations where such consultation is not possible, business enterprises should consider reasonable alternatives such as consulting credible, independent expert resources, including human rights defenders and others from civil society.'

The recognition of engagement with stakeholders and/or their legitimate representatives as a key element of human rights due diligence process is also highlighted in the OECD Guidance.

Q4.1	Require that companies identify their stakeholders and their interests.
Q4.2	Require directors to establish and apply mechanisms or, where they already exist for employees for example, use existing information and consultation channels for engaging with stakeholders.



Q4.3	Require that human rights risks and impacts should be assessed through dialogue with stakeholder or with their legitimate representatives.
Q4.4	Require that action plans are developed in consultation with affected stakeholders.
Q4.5	Require that corporate directors should manage the human rights risks for the company in relation to stakeholders and their interest including on the long run.
Q4.6	Requiring corporate directors to integrate stakeholder interests on human rights into decisions, building also on existing corporate governance mechanisms.

## Q5 FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

*Sources: The declaration on Fundamental Principles and Rights at Work; ILO Convention No. 87 (Article 5, Article 10, Article 11 ) & No. 98 on Freedom of association and the effective recognition of the right to collective bargaining.*

*Supporting the rights to exercise freedom of association and collective bargaining are fundamental rights. "These rights will enable workers to seek better working conditions and potentially be used as a powerful tool for engagement between employers' and workers' organisations to address economic and social concerns."*

Q5.1	Require companies to recognise the right to all workers, regardless of their employment status, to freely associate/organise and/or to bargain collectively.
Q5.2	Require companies to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.
Q5.3	Require companies to provide adequate protection to workers against any acts of retaliation or interference related to their exercising their right to FoA and CB.

## Q6 FORCED LABOUR

*Source: The declaration on Fundamental Principles and Rights at Work; The ILO Forced Convention No. 29 and the Abolition of Forced Labour Convention No. 105;*

*The ILO conventions states that "forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntary."*

Q6.1	Require companies to set requirements relevant to the prevention of forced or compulsory labour applicable to all workers and all sectors of the economy.
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Q6.2	Require companies to support labour inspection services and other services responsible for the implementation of legislation aimed at abolition of forced or compulsory labour.
Q6.3	Require companies to promote and support initiatives that identify, protect, recover, rehabilitate, and empower victims and those at risk, regardless of their presence and legal status, including through access to remedy.
Q6.4	Implementing an enforcement mechanism where companies fail to implement measures to combat forced labour.

## Q7 CHILD LABOUR

*Source: The declaration on Fundamental Principles and Rights at Work; The ILO Convention No. 138 & No. 182 on the Effective abolition of child labour.*

Q7.1	Specify or make changes to the national minimum age for employment in line with the ILO conventions.
Q7.2	Define or change the existing definitions of the worst forms of child labour according to ILO convention 182.
Q7.3	Prohibit the engagement of children in the worst forms of child labour.
Q7.4	Provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration.
Q7.5	Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour.
Q7.6	Implementing an enforcement mechanism where companies fail to implement measures to combat child labour.

## Q8 DISCRIMINATION

*Source: ILO Equal Remuneration Convention No.100; ILO Discrimination Convention No. 111 on the Elimination of discrimination in respect of employment and occupation.*

Q8.1	Require that companies implement policies and process that prohibit discrimination (gender pay/wage gap) in respect to all forms of employment and occupation.
Q8.2	Prohibit any distinction, exclusion or preferences made on the basis of race, colour, sex, religion opinion, national extraction or social origin.

Q8.3	Require the elimination of other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation...” [i.e., also includes other types of discrimination stemming from e.g., classification of workers as contractors vs employees].
Q8.4	Repeal any statutory provisions and modify any administrative instructions or practices which are discriminatory.

## Q9 HEALTH AND SAFETY

<p><i>Source: ILO Promotional Framework for Occupational Safety and Health Convention (Convention 187); ILO Occupation Safety and Health Convention (Convention No. 155 article 4; article 2)</i></p> <p>“the term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.”</p>	
Q9.1	Require that health and safety is implemented for all workers and across companies’ operations regardless of sector
Q9.2	Require that companies formulate, implement and periodically review policies on occupational safety, occupational health and the working environment.
Q9.3	Require companies to carry out consultations with representative organisations of employers and workers concerned to gather information on actual or potential adverse impacts.
Q9.4	Implementing an enforcement mechanism where companies fail to implement measures to combat health and safety breaches.

## Framework

Below is a visual illustration of how our proposed human rights indicators are reflected on the four phases of the EU CSDDD consultations. As you can see there are some indicators that are not addressed on some of the legislation phases (highlighted in red) and the ones that are addressed are highlighted in green.

It is important to note that having a green cell does not necessarily mean that the indicator is fully addressed. Instead it means that the text of the particular legislation phase has statements that are relevant for that indicator.

Mapping of Indicators against which stages of the EUCS3D process

Theme	Code	Methodology Question	Phase 1 - Road Map	Phase 2 - Consultation	Phase 3 - Commission adoption	Phase 4 - Trialogue result
Human Rights Due Diligence	Q1.1	Making human rights due diligence a legal requirement for companies including systems to identify, assess, mitigate or manage human rights risks to improve that process over time and to disclose the risks, the steps taken and the results.	Green	Green	Green	Green
	Q1.2	Requiring human rights due diligence of all companies, regardless of sector and size, while still reflecting their individual circumstances.	Red	Green	Green	Green
	Q1.3	Implementing an enforcement mechanism where companies fail to carry out due diligence as described.	Green	Green	Green	Green
	Q1.4	Including in the duties of directors and company law obligations to avoid human rights impacts or “harms”.	Green	Green	Green	Red
Remedy	Q2.1	Require companies to provide remedy for human rights impacts they have caused or contributed to.	Green	Green	Green	Green
	Q2.2	Require companies to exert leverage on and/or provide support to their counterparties in the remediation of human rights impacts that are linked to company activities through their business relationships (e.g their value chains).	Red	Red	Green	Green
	Q2.3	Require companies to provide grievance mechanisms for all stakeholders including those in the value chain.	Red	Red	Green	Green
	Q2.4	Require companies to actively engage, consult and involve rights-holders at all stages of the remediation process.	Red	Red	Green	Green
	Q2.5	Enabling judicial enforcement with liability and compensation in case of harm caused by not fulfilling the due diligence obligations.	Red	Red	Green	Green
	Q2.6	Enable and support effective remedy by allowing victims of the actions of subsidiaries outside the parent company's home country to sue the parent company if victims are not able to find remedy in their own country.	Red	Red	Green	Green
Supply Chain Human Rights Due Diligence	Q3.1	Require companies to implement a due diligence process covering their value chain to identify, prevent, mitigate and remediate human rights impacts and improve that practice over time.	Green	Green	Green	Green
	Q3.2	Require assessment and additional action (e.g. capacity building or monitoring of suppliers) where the risks for severe human rights impacts are greatest.	Red	Red	Red	Red
	Q3.3	Require that companies implement contract clauses and Code of Conduct with business partners clarifying obligations to avoid and to address human rights harms.	Red	Red	Green	Green
Stakeholder Engagement	Q4.1	Require that companies identify their stakeholders and their interests.	Red	Green	Green	Green
	Q4.2	Require directors to establish and apply mechanisms or, where they already exist for employees for example, use existing information and consultation channels for engaging with stakeholders.	Red	Red	Red	Green
	Q4.3	Require that human rights risks and impacts should be assessed through dialogue with stakeholder or with their legitimate representatives.	Red	Red	Green	Green
	Q4.4	Require that action plans are developed in consultation with affected stakeholders.	Red	Green	Red	Red
	Q4.5	Require that corporate directors should manage the human rights risks for the company in relation to stakeholders and their interest including on the long run.	Red	Green	Red	Red
	Q4.6	Requiring corporate directors to integrate stakeholder interests on human rights into decisions, building also on existing corporate governance mechanisms.	Red	Green	Green	Red

## How indicators will be scored

The Social LobbyMap will follow [Influence Map’s methodology scoring rules](#) and assess entity’s social political engagement on a five-point scale of +2, +1, 0, -1, -2.<sup>4</sup> This is the primary rating for each piece of evidence.

Each indicator from Q1 to Q9 above, will be assessed with a score that will range from +2 to -2.

One challenge with this score approach of -2 (and +2) is that those are reserved for very severe cases of companies who either are strongly supportive or are strongly opposing a legislation. Those scores will be the exception.

Scores are more likely to concentrate on the -1 category, which will be companies with very different levels of advocacy against the themes (and may also not show smaller steps of progress later on).

The following table provides guidance on the type of language that would follow on each of the scores.

Score	Meaning	General interpretation of the meaning
+2	‘strongly supporting’	<ul style="list-style-type: none"> <li>Entity is actively supporting the specific regulation or has called for more stringent regulation</li> <li>Proactive calls for legislation in markets where legislative efforts are not yet (formally) underway</li> <li>Supporting action shortly before key decisions are made and announced once the legislative process is underway.<sup>5</sup></li> <li>Unprompted public statement welcoming legislation ahead of publication &amp; asking for strong standards.</li> </ul>
+1	‘supporting’	<ul style="list-style-type: none"> <li>Entity has stated support for similar legislation in this area.</li> <li>Entity supports the legislation [but not actively or strongly but in general terms and without supporting each of the key specifics of the proposal].</li> <li>Supporting legislation once it has already been passed (NB: In China, apparently it is common for all companies publicly put out a statement in</li> </ul>

<sup>4</sup> For further details, see the [benchmark methodology](#): “Appendix A: InfluenceMap’s Scoring Benchmarks”, specifically chapter “A.2 Scoring corporate lobbying against benchmarks” and tables 8 and 9 of chapter “A.3 Governmental Policy Benchmarks). Additional examples are listed in the following sections: A.6 Coal (Table 10), A.7 Natural (Table 12), A.8 Oil (Table 14), A.9 Nuclear (Table 16) and A.10 Renewables (Table 18).

<sup>5</sup> However, where companies publish statements of support shortly before a proposed – i.e., not final – piece of legislation is published, this will be awarded a +2, as it may positively influence other actors feedback into subsequent review periods and counter subsequent lobbying against a legislation. Example: Danone and other companies published [statement of support](#) 15 days before EU Commission published its proposal for a corporate sustainability due diligence directive.

		support of legislation that has passed) or where it is known that it will shortly pass.
0	'no position/ mixed position'	<ul style="list-style-type: none"> <li>Entity makes some supportive statements, but it is unclear from the overall balance of their position whether they support the level of ambition proposed.</li> <li>Supports with important caveats that would lower the level of ambition of the proposal</li> <li>Supports some aspects and opposes others</li> </ul>
-1	'not supporting'	<ul style="list-style-type: none"> <li>Entity could argue to lower the level of ambition or for weaker requirements</li> <li>Questioning the feasibility of the proposal;</li> <li>No opposition to the legislation in general, but aims to weaken its requirements</li> <li>Opposing action by the body proposing the legislation (even if saying they support action by others), for example European v. national action</li> <li>Seeking to reduce the scope of the proposal e.g. limiting it's applicability to certain sectors or limiting how far down the value chain it might apply</li> </ul>
-2	'opposing' [the policy strand in question]	<ul style="list-style-type: none"> <li>Entities are less likely to receive a score in this category.</li> <li>Clear opposition to the proposals or to the legislation in general</li> <li>Active lobbying for standards to be weakened</li> <li>Arguing that the proposals or the legislation in general is "unnecessary and premature" or "clearly too early".</li> <li>Supporting voluntary measures or other "soft law" as an alternative to the proposals.</li> <li>Arguing that Existing legislation and efforts are sufficient and/or that solving the issue should be left to market forces</li> </ul>

## Examples of how the scoring is applied

These are examples of responses that were given to the one of the three phases of consultation (see p.4) and how they were evaluated within the score system (mentioned above).

### REMEDY

Scoring	Meaning	Examples of language used
+2 'strongly supportive':	Entity is actively supporting the specific regulation or has alternatively called for more	Supporting remedy provisions for victims, namely administrative penalties and civil liability.  Example:  "To level and harmonise the playing field in practice, the requirement needs to be accompanied by legal consequences –

	stringent regulation.	encompassing administrative penalties and provisions for civil liability – that will be strong enough to ensure that businesses falling within the personal scope of the legislation carry out HREDD to a high standard and that those that are harmed have access to remedy."
<b>+1 'Supporting':</b>	Entity state support for the legislation in this area.	Proactive statement of support  There were no examples for this in the test research.  We would look for language where the entity supports the legislation, but not actively or strongly but rather in a vague and unspecific way, lacking examples, clear targets and timelines.
<b>0 'no position/mixed position':</b>	Entity appears supportive of the standards, but it is unclear from the evidence if this includes agreed level of stringency.	"Legislation is conceivable and doable".  Example:  Opposing "extensive civil liability rules", noting that enforcement should solely focus on "sanctions and administrative enforcement".
<b>-1 'not supporting':</b>	Entity appears to be arguing that stringency of the legislation needs to be loosened.	The entity cites practical and legal limitations to remedy.  The entity opts for a mechanism that prioritises fines determined by a national authority rather than civil liability.  The entity does not support an enforcement mechanism that would provide for legal liability and remedy. It elaborates that civil liability should be limited to the most severe human rights harms caused by the company's own operations or direct suppliers. It furthermore cites strong requirements of legal liability as a potential risk of future legislation.  Example:  "An approach that overly relies on legal liability of companies for issues found deep in supply chains or termination of contracts runs the risk of creating a "compliance only" mindset in the business community, thereby becoming detrimental to workers and the environment which may lead to walking away from a supplier and ultimately their workers."

<p><b>-2 ‘opposing the policy’:</b></p>	<p>Entity opposes the standards or is actively lobbying for them to be weakened.</p>	<p>Language may include: Legislation is “unnecessary and premature” or “clearly too early”. It would see “a decline in economic activity and international competitiveness.”</p> <p>The entity suggests severe restrictions to corporate liability (limitation of civil liability to 'severe harms' and own operations, no compensation for victims).</p> <p>Example:</p> <p>"The proposal’s intention to promote human rights and the safety of workers in global value chains, as well as certain environmental impacts, is admirable. However, it is important not to confuse the roles of companies and states. In the field of human rights, the division between the state’s responsibility to protect and the business’s responsibility to respect must be embedded in any legislative initiative. In this vein, due diligence duty - which should follow a risk-based approach - and liability - which should be limited to direct established business relationships - should be decoupled."</p> <p>"Any civil liability should be limited to severe human rights and environmental harms caused by the company’s own activities or activities of controlled companies, excluding third parties such as suppliers, which could have been prevented had the company fully complied with the requirement to conduct human rights and environmental due diligence. ... “</p>
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**HRDD**

Scoring	Scoring	Examples of language used
<p><b>+2 ‘strongly supportive’:</b></p>	<p>Entity is actively supporting the specific regulation or has alternatively called for more stringent regulation.</p>	<p>Example:</p> <ul style="list-style-type: none"> <li>• "All businesses established in the EU and/or active on the internal market, including financial actors, and regardless of size, should be covered by mHREDD legislation. ... while the responsibility to respect human rights and the environment applies to all businesses, the means through which a company meets this standard will vary according to its size and the severity of its impacts, among other factors."</li> </ul>



<p><b>+1 'Supporting':</b></p>	<p>Entity state support for the legislation in this area.</p>	<p>Example:</p> <ul style="list-style-type: none"> <li>“Yes, an EU legal framework is needed. [...]Third party certified supply chains are available for most products and many adhere to, or come close to, OECD guidance. SME's (and bigger companies) should have the option to comply with Due diligence by buying materials through a supply chain that has been thoroughly audited and is continuously monitored.”</li> </ul>
<p><b>0 'no position/mixed position':</b></p>	<p>Entity appears supportive of the standards, but it is unclear from the evidence if this includes agreed level of stringency.</p>	<p>Example:</p> <ul style="list-style-type: none"> <li>“We still believe the ultimate ambition of the EU law should be that operating in the EU internal market is conditional upon <b>conducting due diligence, regardless of sector, size and supply chain.</b></li> </ul> <p>This could be achieved by means of a <b>progressive expansion of the scope of the Directive</b> for instance, and by factoring in clear time-bound transitional periods for that expansion. Both <b>proportionality and flexibility</b> should be applied so that the due diligence duty does not become too heavy a burden, especially for <b>smaller players</b> who might lack resources, knowledge or time to take up those practices. Companies should be encouraged to drive continuous improvement ... We suggest exploring additional ways to ensure companies are encouraged to continuously improve. [...] We encourage the EU Institutions to reconsider this point by organising the HREDD logic in alignment with the UNGPs and OECD Guidelines. This would mean first and foremost embedding a <b>risk-based approach</b> and the related logic of <b>prioritisation</b> within the proposed due diligence duty.”</p>
<p><b>-1 'not supporting':</b></p>	<p>Entity appears to be arguing that stringency of the legislation needs to be loosened.</p>	<p>Example:</p> <ul style="list-style-type: none"> <li>“... warmly welcomes the EU's various sustainability initiatives including the harmonisation of human rights and environmental due diligence obligations in the EU.</li> </ul> <p>To ensure that this harmonisation can also be successfully implemented in practice, we propose the following amendments:</p> <ul style="list-style-type: none"> <li>• Preventing Additional Civil Liability: The introduction of extensive civil liability rules for the provisions of the Directive would create enormous legal uncertainty and the risk of excessive litigation for companies with complex supply chains. The enforcement mechanism should rely on sanctions and administrative enforcement.</li> </ul> <p>... , it is necessary to limit the requested disclosures ...”</p>

		<ul style="list-style-type: none"> <li>"Considering what is already included in the international standards and the very nature of due diligence practices, there is a need for a <b>'risk-based', proportionate and context-specific approach</b>; it is important to avoid significant deviation from these international standards."</li> </ul>
<p><b>-2 'opposing the policy':</b></p>	<p>Entity opposes the standards or is actively lobbying for them to be weakened.</p>	<p>Example:</p> <ul style="list-style-type: none"> <li>"Among the various topics discussed, the issue of "sustainable governance" has been raised. ... Within the various existing national frameworks, we do think that the French national law (Loi Pacte) could be an interesting "benchmark" for a potential future EU Framework as it allows - on a voluntary basis - the companies to take greater advantage of social and environmental issues and can serve as a competitive advantage. ... "</li> </ul>

## NEXT STEPS

The consultation for the Social LobbyMap methodology will be open for three weeks (03 May to 24 May).

During this period, we will welcome feedback from stakeholders with their comments of the proposed format for the methodology; the wording and framing of each indicator; the scoring system and whether you think that should be variations to the scoring table presented.

We will process all feedback received during the end of the consultation period and make the necessary adjustments. ***We expect to publish the final revised methodology by June 2024.***

After the final methodology publication we will take some time to present it to investors, CSOs and any other interested parties to ensure the concept is understood by all parties.

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