The Push to Regulate Corporate Human Rights Behaviour

International Corporate Governance Network

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The North American Trajectory

- Trends
  - From “Soft” > “Hard Law”
  - More Disclosure
  - More Legislation
  - More Litigation

Legislation/Regulatory

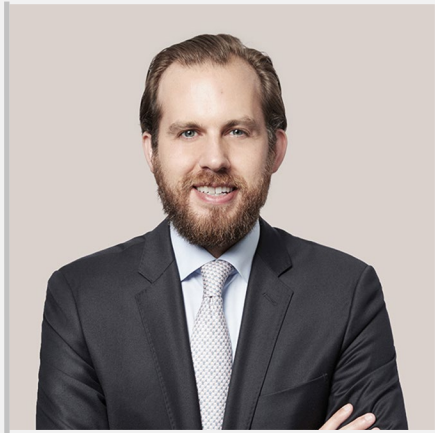
- California
  - *Transparency in Supply Chains Act* (2012)
- Canada
  - Bill S-211
    - Currently in Parliament
    - Likely to pass 2023, in force January 2024

Legislation/Regulatory

- On the Horizon?
  - US Congress
    - *Slave-Free Business Certification Act*
    - Introduced Feb. 2022
      - Onerous Audit Process
  - Other Regulators?
    - SEC?

Litigation

- Canada
  - *Nevsun Resources Ltd. v. Araya*
    - Supreme Court – 2020
    - Private corporation may be liable under Canadian law for breaches of customary international law committed in other countries.



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