Università Ca'Foscari Venezia

International Society for Labour and Social Security Law
Société internationale de droit du travail et de la sécurité sociale
Sociedad Internacional de Derecho del Trabajo y de la Seguridad Social

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ASSOCIAZIONE ITALIANA DI DIRITTO DEL LAVORO E DELLA SICUREZZA SOCIALE

Centre for Legal Studies at Ca' Foscari

ISLSSL YOUNG LEGAL SCHOLARS' SECTION
CALL FOR PAPERS

"Human Rights and Business: bridging Responsibility and Sustainability"

TO THE NATIONAL ASSOCIATIONS OF
THE INTERNATIONAL SOCIETY FOR LABOUR AND SOCIAL SECURITY LAW

22th January 2025

Dear colleagues,

The 11th International Seminar on International and Comparative Labour Law will take place in Venice, at Ca' Foscari University on 21 May 2025 – 24 May 2025.

The 2025 edition of the Seminar will be dedicated to the issue of "**Human Rights and Business: bridging Responsibility and Sustainability**".

All Seminar's participants are invited to take an active part in the discussion from an interdisciplinary perspective. On 24 May a session will be dedicated to the presentation and discussion of the papers presented by the Young Legal Scholars of the ISLSSL. This call for paper is open also to all Young Scholars who would like to take part in the International Seminar.
Of course, the interested scholars can also submit additional perspectives of analysis but always linked to the general theme of the Seminar. Researchers and Young Scholars from countries around the world are invited to submit original papers with new and innovative results on scientific, technical and practical experience.

The Seminar aims to analyze, through a predominantly legal perspective, the issue of business regulation in the global scenario and the resulting challenges and opportunities on the side of human rights, labor and environmental protection.
The demand for ethical conduct in the exercise of business emerges in a pressing manner from civil society and public opinion, rather than from political demands to set limits on the creation of profits. Looking at the legal systems of developing countries,

this need, not so pressing, is progressively imposed by the international conscience through allegations of wrongdoing perpetrated to the detriment of communities in the countries by the plants of multinationals that relocate their production there. Such conduct, which does not always translate into specific non-compliance with the regulations in force, has been configured, in the first place, as a danger to the company's reputation in the absence of sanctions. However, the regulatory gaps found in these legal systems or the fragmentary regulations in force in these jurisdictions have favored the freeing of the latter from the legal constraints imposed of the domestic legal system, favoring the phenomenon of so-called shopping of human rights.

As economic activities expand across national borders, businesses are required to comply with a broad international regulatory framework, including treaties, conventions and regulations that govern the behavior of companies in their global operations. At the same time, however, widespread irresponsibility has highlighted the limits of the regulatory framework, hence the need to reflect on the introduction of new tools for holding economic actors accountable. The European Union has played a frontrunner role on the issue, influencing the evolution of the debate far beyond European borders.

This is why, within the diversity and the complexities characterizing the regulatory dimension of enterprises in the global market (and in particular Global Value Chain), the Seminar aims at ordering systematically the recent measures implemented at the international, European and national level, pursuing the objective of eliminating, or at least mitigating, the impact of these processes on workers relationships, in order to develop afterwards a functional analysis towards the development of laws and policies on these topics. Concisely, all these events depend on the fact that the spatial articulation of GVCs and the international division of labor which they favor and strengthen, leave in the hands of the companies a sort of “passepartout” to access the territories where the cheapest productive centers are situated, taking advantage of the respective labor markets. The ‘nationality’ of the legal system must necessarily confront with the fluid spatial dimension of the company: this harshly challenges the constructive paradigms of regulation, upset by the upheavals that are mostly linked to the pervasiveness of the global market and its de-spatialized dynamics. If, on the one hand, global business has evolved in the search for spaces and organizational models that are more performing, independently from their impact on social, environmental and labor systems, on the other hand, the protection of social rights is still basically hinged in its state dimension, as an almost exclusive competence of nation States. The analysis lies necessarily inside the multilevel frameworks where multiple actors operate international institutions, national governments, companies, NGOS, civil society and consumers. Investigating the measures adopted at the national level to fight against the violation of human rights committed by companies abroad, we can observe an

extremely heterogeneous regulatory network. Alongside the traditional "command and control" model, a complex and equally varied soft system of incentive and promotional measures (tariff preferences, export credits, social certifications, public procurement) has long been developed with the aim of promoting behaviors that respect human rights. If at the beginning the States intervened at the level of promoting corporate social responsibility measures, through incentives and various forms of concessions for the companies that adopt such measures, especially in operations outside national borders , the most recent developments give us a more juridically robust and advanced framework, characterized on the one hand by the implementation of transparency and reporting obligations in supply chains and, on the other hand, by the definition of new areas of responsibility of the economic actor inside the supply chain.

Both regulatory paths embrace a logic centered on the extension of the system of protection beyond national borders: in a word, on the extraterritorial scope of the rules. The French law on the devoir de vigilance of 27 March 2017 represents the first discipline adopted by a European state with the aim of attributing to companies a "transnational" responsibility for conduct held outside national borders. But we have many other examples as in Germany and Norway just to mention the last European countries which introduced similar provisions. The Seminar will create a sort of framework of all these measures to analyze pros and contra and to evaluate their efficacy and effectiveness.

In a nutshell, the purpose of the seminar is twofold: on the one hand, a definition of the new paths of corporate accountability/liability (we will go more in detail on these concepts and their interconnections) that move within the accountability/ transparency axis; on the other hand, outlining the problematic profiles to trace a possible roadmap resolving them.

The seminar includes three days of thematic sessions, and a fourth day dedicated to the presentation of papers by young scholars who will be selected by the scientific committee.

1. In the **first thematic session**, the Seminar intends to focus attention on value frameworks and rights in action, both in the international and in the European and national contexts, with the aim of defining the perimeter within which corporate empowerment must develop while respecting the values and rights that come into play. The arrangement of sources defines the objective scope of the instruments introduced with the aim of ensuring and promoting sustainable corporate governance. Reporting and due diligence are to be understood as the arms of sustainability but, at the same time, only by defining in detail the sources of protection that must be respected can the processes be made effective and functional.

There are certainly some open questions on which the seminar intends to dwell. One of the central knots concerns the associability of workers' rights in the sphere of human

rights and whether this assumption, on which both the CS3D and CSRD Directives are based, can be understood as an advancement for workers.

2. In the **second thematic session**, the focus shifts to the topic of liability or, to be more precise, liability regimes, some of which can also be translated into obligations of conduct that affect businesses today in both national and supranational contexts. In particular, the issues of civil and criminal liability of companies for violations of rights, legal implications related to environmental sustainability and working conditions, and sanctions for companies that fail to comply with these regulations will be discussed. The seminar will provide an overview of the legal tools available to ensure compliance with corporate obligations, with a focus on transparency and accountability/liability. It will also explore the implications of transnational lawsuits, class actions and soft law instruments even if these tools have some limitations in terms of effectiveness and efficacy.

CS3D and CSRD represent a fundamental step for the introduction of mandatory duties on corporations. It therefore needs to be properly evaluated in the light of the developments already occurred at domestic level, such as the adoption by several States of national legislations on corporate human rights due diligence, reporting and accountability, as well as at the international level, with the ongoing negotiations at the UN of a Legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. Cumulatively assessed these initiatives illustrate a global trend towards the introduction of mandatory human rights and environmental due diligence duty on corporations, the contents, specificities, strengths and weaknesses of which are worthy of analysis from the different legal perspectives.

Access to remedies for victims of human rights violations in the field of global value chains proves to be extremely complex, as shown by the (often unsatisfactory) case-law. On the one hand, the possibility for the victims to take actions claiming the infringement of their human rights collides with significant procedural barriers and clear disparities of means compared to those available to corporate actors responsible for such violations; on the other hand, collective remedies or class actions – which would be the most appropriate mechanism to ensure access to justice to a plurality of potential claimants – have not been established in all legal systems, or where they are, they are subject to legal regimes that may considerably differ. More generally, domestic regimes determine a fragmented scenario, also as concerns the criteria for attribution of jurisdiction and enforcement of foreign decisions. In this section we will study the potential and limits of the solutions proposed so far and analyze new options. The starting assumption of the research is that the complexity of the dynamics described cannot be dealt with by the setting up of a predefined and strict regulatory framework, but rather they require both the ‘hybridization’ of the different instruments and the

contamination among the different legal fields.
To sum up, the main critical point concerns the identification of the liability and the possibilities for the victims to access to the Courts. The Seminar will focus on this critical issue trying to understand if victims from third countries have more opportunities (than at present) to sue before European forums (jurisdiction to adjudicate) to obtain adequate remedies for violations and damages suffered outside the territory of the Union thanks to CS3D and CSRD.
3. The **third thematic session** explores the topic adopted a comparative perspective with the aim of understanding reactions and actions put in place outside Europe on the issue of corporate accountability in the global marketplace. The seminar explores the different regulations and legal approaches adopted in various global legal systems regarding corporate liability for violations of human rights, working conditions and environmental impacts. With a focus on major countries and regions outside Europe, the seminar analyzes the differences and similarities between the approaches taken by the United States, Asia, Latin America and Africa, highlighting how each system addresses corporate responsibility in a global context. The goal is to provide a comparative view of different liability strategies, highlighting the legal challenges and opportunities arising from the integration of global regulations and increasing international stakeholder pressure. In a nutshell, it is intended to reason about the points of affinity and possible tensions between the European/Western-centric perspective and those established outside Europe, with the aim of stimulating a reflection aimed at highlighting the safeguards that are actually practicable and, on the contrary, the statements that are unlikely, in practice, to counter widespread corporate irresponsibility.
Selected papers will be presented and discussed in thematic sessions, circulated during the meeting, and posted on the meeting website.

INFO FOR YOUNG SCHOLARS FOR SUBMISSION OF THE ABSTRACT

Full papers or long abstracts (minimum 1000 words) in pdf format should be **submitted online** no later than **April 1st, 2025**.
Young Scholars must confirm their participation by April 22th, 2025.
Please note that paper selection has become increasingly competitive in recent years. Submissions that fully describe a complete analysis are generally more likely to be accepted than long abstracts. When submitting a long abstract, please ensure that the study and results are sufficiently described to allow comparison with full paper submissions. Each person can present only one selected paper, although multiple submissions and co-authorship are allowed.

The papers and the abstract must be sent to the following addresses:
stefanobellomo@mmba.it, adaper@unive.it, islssl@unive.it.

The abstract paper will be examined by the Seminar's organizers and if accepted the full paper (no more than 30.000 characters, including spaces, footnotes and appendix) has to be presented at the Session of May 24st 2025.

Presentation of the Papers - Young Scholars' Session:

During the Session of May 24th, Young Scholars will present their papers. **Scholars could present their papers in presence or remotely**.

Please notice that all Scholarship winners (ISLSSL scholarship; AIDLaSS scholarship; Ca' Foscari Scholaship) must write a paper for the Young Scholars' Session of the Seminar.

For any further information about this Call for paper, please contact Prof. Stefano Bellomo (stefanobellomo@mmba.it), Prof. Adalberto Perulli (adaper@unive.it) or write an email to islssl@unive.it.
For any further information about ISLSSL Seminar, please write to islssl@unive.it

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Warm regards
Prof. Adalberto Perulli
Prof. Stefano Bellomo