



**Ethical  
Trading  
Initiative**

For workers' rights. For better business.



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## **TERMS OF REFERENCE // LEGAL CONSULTANT TO SUPPORT EU MANDATORY DUE DILIGENCE OUTREACH**

### **1. INTRODUCTION**

Under the umbrella of the Sustainable Textile Initiative: Together for Change (STITCH) consortium, the Fair Wear Foundation and the Ethical Trading Initiative are collaborating to envision a global garment industry that contributes to an equal and just society by respecting human rights in the world of work. The global garment industry is fragmented and complex, involving many actors across the globe, with varying levels of power and influence. The actions of one person or a small group in Europe can have an enormous and potentially crippling effect on a woman or family in Bangladesh or Cambodia. To reach our goal, every link of the (supply) chain must bear its proportionate weight and take up its role in ensuring that the chain is strong and equitable.

Workers, the people who produce our clothes, need to be put at the centre of decisions and actions. They need the opportunity to be collectively represented and express their voices through trade unions. Those trade unions need the space, strength, and legitimacy to represent them. Factories must include and listen to workers. Governments must establish and enforce laws to protect them. Brands, arguably the most powerful link in the chain, must ensure that their decisions and practices support and enhance the rights of workers and that they negotiate fairly with the factories from which they source. Change must happen at all levels.

One of those changes is working towards meaningful due diligence legislation at EU level. With the support of a legal consultant we aim to fortify our impact on the decision-making process.

### **2. AIM AND OBJECTIVES**

The aim of this assignment is to develop the legal language and clauses on what meaningful mHRDD legislation could be on the topics such as:

- Scope

- Purchasing practices
- Role/contribution of brands in relation to risks with human rights.

This will be used to facilitate discussion and to influence amendments to the new HRDD EU policy and legislation.

The assignment should consider:

- A quick scan on hot topics/contentious issues, trends in the debate on the topics we identified as important to Fair Wear and ETI.
- good (legal) practices and use these to phrase clauses that improve legislation – for STITCH to use for advocacy purposes
- in what way the legal framework can be strengthened in order to support SMEs. How the legislation impacts Multi Stakeholder Initiatives and its associated members in 3rd countries (namely the UK and Switzerland) that place goods on the EU market?

### **3. METHODOLOGY**

The detailed methodology will be developed by the candidate, in collaboration with and to be approved by Fair Wear and ETI.

### **4. DELIVERABLES**

- A written report, which should be no more than 30 pages excluding appendices
- Suggestions for amendments to improve the SCG initiative in line with the position of the joint position of Fair Wear and ETI.
- Presentation on the findings and suggested improvements at two events in Q1 of 2022 (Consortium partners & associated brands)

### **5. THE CONTRACTOR**

The contract for this assignment will be provided by Fair Wear Foundation, but in the execution of the project ETI will be closely involved.

### **6. SELECTION CRITERIA**

Selection will be based on the following criteria:

- Professional competence, including track record of success in a similar field of work (examples will be requested)
- Knowledge and experience with respect to applied social dialogue and labour rights.
- Methodology proposed to deliver required outcomes

- Quality of submission, including overall understanding of the ask, issues that might affect the outcome and the added value that this contractor brings
- Budget (including VAT/ Taxes where charged)

## **7. DELIVERY AND DEADLINES ASSIGNMENT**

In the preparation phase of STITCH, the partners agreed that we will work jointly on several policy influencing themes, one of them being mandatory human rights due diligence. The partners are already working on the topic, albeit in a complementary manner at the moment.

In the coming month, DG Justice will present a proposal on Sustainable Corporate Governance that includes mandatory due diligence. The proposal will include a new EU directive or regulation. The coming months are essential for influencing the directive and to make sure that a robust Sustainable Corporate Governance framework will be proposed to the Council and Parliament.

Expressions of interest should be sent to [bloemendaal@fairwear.org](mailto:bloemendaal@fairwear.org) by 15 December 2021

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