

## Grievance System (LkSG) - What can be reported

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Status:

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Internal/ External



The relevant obligations are listed in Section 2 of the German Act on Corporate Due Diligence Obligations in Supply Chains (LKSG).

§ 2 LKSG:

**(1) Protected legal positions within the meaning of this Act are those arising from the conventions on the protection of human rights listed in no. 1 to 11 of the Annex.**

**(2) A human rights risk within the meaning of this Act is a condition in which, on the basis of factual circumstances, there is a sufficient probability that a violation of one of the following prohibitions is imminent:**

1. the prohibition of the employment of a child under the age at which compulsory schooling ends according to the law of the place of employment, provided that the age of employment is not less than 15 years, except where the law of the place of employment so provides in accordance with Article 2 (4) and Articles 4 to 8 of Convention No. 138 of the International Labour Organization of 26 June 1973 concerning Minimum Age for Admission to Employment (Federal Law Gazette 1976 II pp. 201, 202);
2. the prohibition of the worst forms of child labor for children under 18 years of age; in accordance with Article 3 of Convention No. 182 of the International Labor Organization of June 17 June 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Federal Law Gazette 2001 II pp. 1290, 1291) this includes:
  - a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labor, including the forced or compulsory recruitment of children for use in armed conflicts,
  - b) the use, procuring or offering of a child for prostitution, the production of pornography or pornographic performances,
  - c) the use, procuring or offering of a child for illicit activities, in particular for the production of or trafficking in drugs;
  - d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children;
3. the prohibition of the employment of persons in forced labor; this includes any work or service that is required of a person under the threat of punishment and for which he or she has not made himself or herself available voluntarily, for example as a result of debt bondage or trafficking in human beings; excluded from forced labor are any work or services that comply with Article 2 (2) of Convention No. 29 of the International Labor Organization of 28 June 1930 concerning Forced or Compulsory Labor (Federal Law Gazette 1956 II p. 640, 641) or with Article 8 (b) and (c) of the International Covenant of 19 December 1966 on Civil and Political Rights (Federal Law Gazette 1973 II pp. 1533, 1534)

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4. the prohibition of all forms of slavery, practices akin to slavery, serfdom or other forms of domination or oppression in the workplace, such as extreme economic or sexual exploitation and humiliation;
5. the prohibition of disregarding the occupational safety and health obligations applicable under the law of the place of employment if this gives rise to the risk of accidents at work or work-related health hazards, in particular due to:
  - a) obviously insufficient safety standards in the provision and maintenance of the workplace, the workstation and work equipment;
  - b) the absence of appropriate protective measures to avoid exposure to chemical, physical or biological substances;
  - c) the lack of measures to prevent excessive physical and mental fatigue, in particular through inappropriate work organization in terms of working hours and rest breaks; or
  - d) the inadequate training and instruction of employees;
6. the prohibition of disregarding the freedom of association, according to which
  - a) employees are free to form or join trade unions,
  - b) the formation, joining and membership of a trade union must not be used as a reason for unjustified discrimination or retaliation,
  - c) trade unions are free to operate in accordance with applicable law of the place of employment, including the right to strike and the right to collective bargaining;
7. the prohibition of unequal treatment in employment, for example on the grounds of national and ethnic origin, social origin, health status, disability, sexual orientation, age, gender, political opinion, religion or belief, unless this is justified by the requirements of the employment; unequal treatment includes, in particular, the payment of unequal remuneration for work of equal value;
8. the prohibition of withholding an adequate living wage; the adequate living wage amounts to at least the minimum wage as laid down by the applicable law and, apart from that, is determined in accordance with the regulations of the place of employment;

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9. the prohibition of causing any harmful soil change, water pollution, air pollution, harmful noise emission or excessive water consumption that
  - a) significantly impairs the natural bases for the preservation and production of food,
  - b) denies a person access to safe and clean drinking water,
  - c) makes it difficult for a person to access sanitary facilities or destroys them or
  - d) harms the health of a person;
10. the prohibition of unlawful eviction and the prohibition of unlawful taking of land, forests and waters in the acquisition, development or other use of land, forests and waters, the use of which secures the livelihood of a person;
11. the prohibition of the hiring or use of private or public security forces for the protection of the enterprise's project if, due to lack of instruction or control on the part of the enterprise, the use of security forces
  - a) is in violation of the prohibition of torture and cruel, inhumane or degrading treatment,
  - b) damages life or limb or
  - c) impairs the right to organize and the freedom of association.
12. the prohibition of an act or omission in breach of duty to act that goes beyond nos. 1 to 11, which is directly capable of impairing a protected legal position in a particularly serious manner, and the unlawfulness of which is obvious upon reasonable assessment of all the circumstances in question

**(3) An environmental-related risk within the meaning of this Act is a condition in which, on the basis of factual circumstances, there is a sufficient probability that one of the following prohibitions will be violated:**

1. the prohibition of the manufacture of mercury-added products pursuant to Article 4 (1) and Annex A Part I of the Minamata Convention on Mercury of 10 October 2013 (Federal Law Gazette 2017 II pp. 610, 611) (Minamata Convention);

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2. the prohibition of the use of mercury and mercury compounds in manufacturing processes as within the meaning of Article 5 (2) and Annex B Part I to the Minamata Convention from the phase-out date specified in the Convention for the respective products and processes.
3. the prohibition of the treatment of mercury waste contrary to the provisions of Article 11 (3) of the Minamata Convention.
4. the prohibition of the production and use of chemicals pursuant to Article 3 (1) (a) and Annex A of the Stockholm Convention of 23 May 2001 on Persistent Organic Pollutants (Federal Law Gazette 2002 II pp. 803, 804) (POPs Convention), last amended by decision of 6 May 2005 (Federal Law Gazette 2009 II pp. 1060, 1061), in the version of Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169 of 26 May 2019 pp. 45), as last amended by Commission Delegated Regulation (EU) 2021/277 of 16 December 2020 (OJ L 62 of 23 February 2021, pp. 1);
5. the prohibition of the handling, collection, storage and disposal of waste in a manner that is not environmentally sound in accordance with the regulations in force in the applicable jurisdiction under the requirements of Article 6 (1) (d) (i) and (ii) of the POPs Convention.
6. the prohibition of exports of hazardous waste within the meaning of Article 1 (1) and other wastes within the meaning of Article 1 (2) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (Federal Law Gazette 1994 II pp. 2703, 2704) (Basel Convention), as last amended by the Third Ordinance amending Annexes to the Basel Convention of 22 March 1989 of 6 May 2014 (Federal Law Gazette II pp. 306, 307) and within the meaning of Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190 of 12 July 2006, pp. 1) (Regulation (EC) No. 1013/2006), as last amended by Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 (OJ L 433 of 22 December 2020, pp.11)
  - a) to a party that has prohibited the import of such hazardous and other wastes (Article 4 (1) (b) of the Basel Convention),
  - b) to a state of import as defined in Article 2 no. 11 of the Basel Convention that does not consent in writing to the specific import, in the case where that state of import has not prohibited the import of such hazardous wastes (Article 4 (1) (c) of the Basel Convention),
  - c) to a non-party to the Basel Convention (Article 4 (5) of the Basel Convention),
  - d) to a state of import if such hazardous wastes or other wastes are not managed in an environmentally sound manner in that state or elsewhere (Article 4 (8) 1 of the Basel Convention);

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7. the prohibition of the export of hazardous wastes from countries listed in Annex VII to the Basel Convention to countries not listed in Annex VII (Article 4A of the Basel Convention, Article 36 of Regulation (EC) No 1013/2006) and
8. the prohibition of import of hazardous wastes and other wastes from a non-party to the Basel Convention (Article 4 (5) of the Basel Convention).

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