Swiss corporate-responsibility counter-proposal: the 2018 parliamentary record

File date: 2018-05-08

Independent historical commentary. This is not the former publisher's PDF or a recovered translation.

A note on the 2018 Swiss parliamentary record, separating the committee's April counter-proposal from the National Council's June decision and the May date encoded in a legacy file name.

What the file date records

The date 8 May 2018 comes from the legacy filename, not from a parliamentary adoption record. The item is best read as a historical document note about a proposal that was still moving through Parliament. On 20 April, the National Council's Legal Affairs Committee voted 18–1, with two abstentions, to support an indirect counter-proposal connected to the Responsible Business Initiative and the company-law revision. The committee record describes the proposal; it does not establish that its text became law. The committee's 20 April record fixes that procedural starting point.

The committee proposal

The committee proposal concerned diligence in relation to internationally binding human-rights and environmental standards. It also contemplated liability concerning controlled enterprises, subject to conditions. Those features place the document within the debate over how a parent company's responsibilities could reach conduct connected to businesses under its control. The available official record supports that general description, but does not justify reconstructing clause numbers or presenting a full English translation.

Our analysis: The proposal's significance lies in its combination of preventive conduct and a possible liability route. Diligence would address how risks are identified and handled; the controlled-enterprise element would connect that conduct to corporate structure. The committee record establishes a proposed framework, not the scope or outcome of any later lawsuit.

A later parliamentary step

On 14 June 2018, the National Council backed putting an indirect counter-proposal to initiative 17.060 within company-law revision 16.077, project 2. The official parliamentary chronology records this as a later step after the committee's April action and the May date in the filename. The Council supported advancing an alternative to the initiative; it did not reject the counter-proposal at this step.

Reading the historical record

The May filename, April committee action and June National Council decision should therefore remain separate when citing this item. The record captures a proposal and its subsequent parliamentary treatment, not enacted Swiss corporate-responsibility rules. This newly written note identifies the document's context; it does not reproduce an unavailable English translation or claim to restore the former file's text.

Our analysis: A committee proposal and a chamber's subsequent support establish steps in a legislative process, rather than final enactment. Here, the April committee proposal and June National Council action show the alternative developing over time. Neither makes the May file an authoritative enacted statute, or establishes that a

later final instrument retained the same liability model.

Original sources and reporting

Swiss Parliament: committee supports an indirect corporate-responsibility counter-proposal, 20 April 2018
https://www.parlament.ch/press-releases/Pages/mm-rk-n-2018-04-20.aspx?lang=1033

Swiss Parliament: official legislative chronology of the 2018 counter-proposal
https://www.parlament.ch/centers/documents/fr/NR_5016_Annex_F.pdf

HTML note: https://bhrinlaw.org/articles/swiss-counter-proposal-file-2018/