**Open statement on human rights violations against employees of Leroy Merlin Ukraine**

In today's world, there is no doubt that businesses, especially multinational corporations, have an responsibility to respect human rights of those they directly or indirectly affect. According to the UN Guiding Principles on Business and Human Rights,[[1]](#footnote-1) business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. The right of every person to hold his or her opinions without interference and freely express them is protected as a fundamental right in accordance with Article 19 of the International Covenant on Civil and Political Rights of 1966[[2]](#footnote-2), the Convention for the Protection of Human Rights and Fundamental Freedoms.[[3]](#footnote-3)

The employees of Leroy Merlin Ukraine publicly spoke out and made a petition regarding the inadmissibility of continuing the company's operating in the Russian Federation. In particular, the petition called on the company ADEO group, which controls Leroy Merlin Ukraine, not to contribute to serious human rights violations and to stop doing business in Russia. In the end, this position of the employees of Leroy Merlin Ukraine became the reason for a discriminatory attitude towards them by the "parent company", which was manifested in the prevention of employees who took a position regarding the need for the company to leave the Russian market, to perform labor functions, or significantly restrict them, holding explanatory talks, insisting on voluntary dismissal. In addition, it is known from open sources that from October the company is going to apply massive layoffs for those who did not pass the "filtering"[[4]](#footnote-4). According to the employees, these "filtering measures" do not apply to employees who show loyalty to the management.

Protection from discrimination is a fundamental right, which is the basis of the modern understanding of human rights. The principle of non-discrimination is also stipulated by Art. 26 of the Constitution of Ukraine, which states that all people are equal before the law and have the right, without any discrimination, to equal protection of the law. In this regard, discrimination of any kind should be prohibited by law, and the law should guarantee all persons equal and effective protection against discrimination on any grounds, such as: race, colour, sex, language, religion, political or other opinion, national or social origin, property status, birth or other circumstances.

According to the Law of Ukraine "On Principles of Prevention and Counteraction of Discrimination in Ukraine",[[5]](#footnote-5) the situation when a group of persons is treated less favorably than another group of persons in a similar situation due to their certain characteristics is called direct discrimination.

In this situation, it is impossible to justify the behavior of the "parent" company: all the listed actions are obviously illegal (filtering, preventing work, disconnection from digital tools, etc.); the obvious main goal of such actions is to reduce the publicity that the company still remains on the Russian market and contributes to serious violations of human rights in Ukraine by paying taxes, but this goal is not objectively justified and is false.

The company Leroy Merlin Ukraine also violates the provisions of the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy[[6]](#footnote-6), in particular, its paragraph 35, which indicates the inadmissibility of arbitrary dismissal. Guarantees aimed at preventing such a situation are enshrined in the OECD Guidelines for Multinational Enterprises[[7]](#footnote-7), according to which, in particular, enterprises must guarantee the principle of equality and equal treatment, without discrimination against their employees, including without discrimination on the basis of their political beliefs.

The actions taken by the company also contradict the Ten Principles of the UN Global Compact - ADEO has been a member since 2019.[[8]](#footnote-8)

**According to Principle 11 of the UN Guiding Principles on Business and Human Rights, businesses must avoid violating the human rights of others and must eliminate adverse human rights impacts that result from their operations.** Obviously, in this situation, the head office of the company has neglected such obligations of respect. It is unfortunate that the specified violations were committed deliberately, and not due to imprudence or other indirect motives.

Instead of continuing the violations and continuing the pressure caused by the position of the employees regarding the inadmissibility of the continuation of the company's activities in the Russian Federation[[9]](#footnote-9) and carry out filtering and demand “dismissal at one's own will”[[10]](#footnote-10), companies should seek to understand the concerns of potentially vulnerable stakeholders by directly consulting with them, while taking into account barriers that could potentially prevent effective engagement (Principle 19). The company's head office clearly and openly neglected these obligations of respect, continuing to commit violations for quite some time, regardless of the resonance of the situation in the community and the appeal of the employees.

Based on the above and taking into account that the described situation may not be individual in nature, but may be repeated at the level of other companies, we call:

***Parliamentary Commissioner for Human Rights:***

develop and issue guidelines for business entities regarding the risks of human rights violations in war conditions, actions that companies should take to minimize them, pay attention to the issue of human rights risks in those companies that have business relations with companies that remain on the Russian market;

to check the facts of violation of human rights of Leroy Merlin Ukraine employees.

***Ministry of Economy of Ukraine***:

develop and issue Methodological recommendations for labor inspectors on identifying cases of discrimination at the workplace, as well as on risks of labor rights violations during wartime.

***State Labor Inspection***:

conduct an unscheduled inspection of Leroy Merlin Ukraine based on the publication in open sources of information regarding the company's gross violations of the human rights of its employees.

***Employees of Leroy Merlin Ukraine and its trade union:***

join forces to act as an organized workforce rather than separate individuals.

***Lawyers and human rights organizations of Ukraine who have expertise in business and human rights issues:***

offer legal assistance and other consulting support for employees of Leroy Merlin Ukraine to seek protection of their rights.

***UN Global Compact***:

draw attention to the facts of gross violations of human rights by ADEO, a member of the UN Global Compact, ensure a response in accordance with the rules and procedures of the UN Global Compact.

***Business associations:***

conduct training activities for its members on the additional risks to human rights in war.

***Suppliers, partners, customers of ADEO:***

use the leverage in order to stop gross violations of human rights, up to the termination of relations with the company.

***Analytical centers, business and human rights expert community:***

strengthen consideration of the human rights risks during war, in particular, take into account the risks for employees who criticize the company's position not to leave the market of the aggressor country without legitimate reasons and a transparent explanation of its business decision, on the part of the company, as well as personal safety risks for such employees in a situation where negative attitudes towards such companies are growing in society.

**Signed by:**

1. Olena Uvarova, PhD, Chair of the International Lab on Business and Human Rights, Yaroslav Mudryi National Law University, Visiting Researcher, Law group, Wageningen University.
2. Iryna Fedorovych, Director of the NGO Center "Social Action", Researcher and Trainer on human rights, non-discrimination and inclusion.
3. Kateryna Buryakovska, PhD, Expert of the International Lab on Business and Human Rights, Yaroslav Mudryi National Law University.

1. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\_en.pdf. [↑](#footnote-ref-1)
2. https://zakon.rada.gov.ua/laws/show/995\_043#Text. [↑](#footnote-ref-2)
3. https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c#:~:text=The%20Convention%20for%20the%20Protection,force%20on%203%20September%201953. [↑](#footnote-ref-3)
4. https://rau.ua/novyni/lerua-merlen-zvilnjaje-patriotiv/ [↑](#footnote-ref-4)
5. https://zakon.rada.gov.ua/laws/show/5207-17#Text. [↑](#footnote-ref-5)
6. https://www.ilo.org/empent/Publications/WCMS\_094386/lang--en/index.htm. [↑](#footnote-ref-6)
7. http://mneguidelines.oecd.org/guidelines/. [↑](#footnote-ref-7)
8. https://www.unglobalcompact.org/what-is-gc/participants/136203. [↑](#footnote-ref-8)
9. <https://rau.ua/ru/news/konflikt/tragedija-lerua/> [↑](#footnote-ref-9)
10. <https://rau.ua/novyni/lerua-merlen-zvilnjaje-patriotiv/> . [↑](#footnote-ref-10)