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Child and Forced Labor Risks Global Task Force

GIBSON DUNN

CHILD AND FORCED LABOR RISKS

GLOBAL TASK FORCE

Gibson Dunn is pleased to announce the establishment of its **Child and Forced Labor Risks Global Task Force** to help our clients prevent illegal child and forced labor in their workforce, evaluate their supply chains, and respond to investigations and litigation arising from illegal child labor and forced labor allegations.

Governments around the world are increasing their scrutiny of illegal child labor and forced labor. In the United States, the Department of Labor and Congress have recently launched investigations of companies' child labor policies and compliance practices that pose substantial legal, financial, and reputational risks for those companies. Congress also has enacted statutes to prevent forced labor globally and recently questioned several companies regarding allegations of forced labor in their supply chains. In Europe, laws combating modern slavery and child labor are emerging across individual jurisdictions, with potential for additional legislation that will impose mandatory human rights and due diligence obligations on certain corporations with a European commercial footprint. Similarly, governments in the Asia Pacific region are grappling with ways to address the issue through a combination of legislation and enforcement.

The Gibson Dunn team offers holistic compliance and response strategies to help our clients implement best-of-class policies related to forced labor and illegal child labor and to ensure they are prepared to respond effectively to civil, criminal, or congressional investigations or litigation relating to alleged forced labor or illegal child labor in their workforce or their supply chains.

Working together, our [Labor and Employment](#), [White Collar Defense and Investigations](#), [Congressional Investigations](#), [Crisis Management](#), [Public Policy](#), [Environmental Social Governance \("ESG"\)](#), [Securities Regulation and Corporate Governance](#), [Transnational Litigation](#), [International Trade](#), and [Litigation](#) practice groups provide a range of services to root out and prevent forced labor and illegal child labor in clients' workforce and help clients emerge stronger after investigations and enforcement actions.

Corporate Policies and Best Practices

Our world-class Labor and Employment Practice Group, working in close collaboration with our leading ESG practitioners, regularly help clients develop internal policies that comply with all national laws (including child labor laws, and both federal and state laws within the United States), consider applicable international human rights law and relevant non-U.S. laws, account for industry best practices, and reflect each company's culture.

Our lawyers include a former U.S. Secretary of Labor, who previously served as the Department's chief legal officer, and the former President of the European Court of Human Rights.

Compliance

The Labor and Employment Practice Group also works with clients to help their executives and employees comply with all relevant laws governing forced labor and child labor, as well as internal policies. To promote compliance proactively, we offer legal analyses of contemplated actions, as well as trainings for employees to help them comply with the law and our clients' internal policies.

Audits and Internal Investigations

Together with the Labor and Employment Practice Group, Gibson Dunn's top-ranked White Collar Defense and Investigations Practice Group and ESG practitioners work with clients to audit their workforce to determine if there is any risk of labor law violations, facilitate stakeholder engagement, and help with remediation, where appropriate. Depending on the needs and circumstances of our client, we are uniquely placed to assist in risk assessments and supply chain audits and to collaborate with local vendors.

Regulatory Investigations and Enforcement Actions

The Gibson Dunn Labor and Employment and Crisis Management practice groups guide clients through Department of Labor and Department of Justice investigations and enforcement actions in the United States, and equivalent regulatory actions globally. We partner with our clients to protect their rights in the course of investigations, produce the necessary information to the government, and defend their interests through any resulting litigation.

Further, we can prepare clients and their employees in advance to respond appropriately in the event of raids by authorities, which often occur unexpectedly. Ensuring a company's employees respond properly can prevent collateral problems from arising in any investigation.

Congressional Investigations

Various U.S. congressional committees have been investigating corporations regarding forced labor and illegal child labor allegations both in the United States and abroad for at least a decade. With recent attention on these problems, these inquiries likely only will increase.

Gibson Dunn's top-ranked Congressional Investigations Practice Group regularly counsels clients in the most sensitive congressional investigations, including investigations related to illegal child labor and forced labor. Practice Group members have served in top investigative staff roles in both the U.S. House and Senate, and they themselves have led congressional inquiries into these issues. Their deep knowledge of Capitol Hill, extensive experience representing clients facing congressional investigations, and substantive expertise related to international supply chain, child labor, and immigration issues allow them to be uniquely effective for clients in these investigations.

Securities and Exchange Commission Disclosures

The U.S. Securities and Exchange Commission is requiring increasing numbers of disclosures regarding ESG-related issues, and, at the same time, calls are growing for the SEC to review companies for forced labor in their supply chains. Gibson Dunn's acclaimed Securities Regulation and Corporate Governance Practice Group regularly advises clients regarding these developments and related disclosures, including risk factors in periodic reports. They also represent clients on proxy statement shareholder proposals related to efforts to eliminate child and forced labor from supply chains and advise clients on shareholder engagement.

International Trade

Gibson Dunn's International Trade Practice Group works with clients around the globe to help them comply with rapidly emerging laws and policies banning trade in goods made by forced labor. For example, we are currently providing Uyghur Forced Labor Prevention Act-related support to several large importers to the United States. For these clients, we took a number of steps to improve their human rights due diligence processes, focusing on supplier onboarding and the various internal (e.g., audit templates) and external (e.g., vendor code of conduct) tools the companies uses to vet new and current vendors to determine whether they may have forced labor in their supply chain. We also used new relationship-mapping software tools that are also used by U.S. government agencies to help identify higher risk vendors with reported or potential links to companies that use forced labor that our clients should triage for audit and outreach. Moreover, we include as part of our due diligence support regular monitoring of reports and other publications from unions, non-

governmental organizations, and other stakeholders to further inform the review our clients perform on their vendors.

Our global experience is unparalleled—many of the practice’s lawyers have worked extensively across Asia, Europe, the Gulf, and the Americas and have served in senior government and enforcement roles as principal architects of key sanctions and export controls regimes and relief, including with respect to U.N. sanctions, and U.S. measures against Iran, China, Russia, Cuba, Venezuela, and Myanmar.

Civil Suits

Acclaimed as a litigation powerhouse, Gibson, Dunn & Crutcher and the members of the Litigation Practice Group have a long record of outstanding successes. As *The American Lawyer* noted “when news breaks and the pressure rises, clients call Gibson Dunn’s litigators to regain control.”

Gibson Dunn’s litigators have tried cases and argued appeals before the U.S. Supreme Court and state supreme courts in addition to federal and state courts across the United States involving almost every foreseeable area of controversy. Our global presence is equally stellar, with acclaimed litigators residing across our European and Asia-Pacific offices.

We also handle disputes before a wide variety of nonjudicial forums, from federal and state agencies to international arbitrations. We have a track record of success defeating supply chain and related consumer protection claims in litigation relating to alleged child labor issues. Recently, our transnational litigation and ESG groups successfully litigated major supply-chain lawsuits relating to alleged child labor, securing wins from the district court level all the way to the U.S. Supreme Court.

Crisis Management

Gibson Dunn’s Crisis Management Practice Group is renowned for taking immediate action to manage any situation, executing a strategic communication plan and guiding clients through difficult events. Our team of media-savvy lawyers can help clients who discover problems within their own or their suppliers’ workforce, or who find themselves under a governmental investigation, create prompt and effective crisis communications strategies. Our lawyers frequently counsel executives and boards of directors in preparing a crisis plan as the first step in avoiding crisis situations before they arise. Gibson Dunn’s Crisis Management team includes former prosecutors, judges, and government officials with demonstrated effectiveness in dealing with all three branches of the U.S. federal government, state law enforcement and regulatory officials, and international regulators. We also regularly work with top-flight communications firms to ensure the most effective strategy possible for our clients.

Public Policy

The U.S. Congress has been very active in recent years in considering forced labor and illegal child labor issues. Both the House and Senate are expected to consider legislation to address illegal child labor in the United States this Congress. And in 2021, Congress enacted the Uyghur Forced Labor Prevention Act to address forced labor abroad, and members of Congress have introduced follow-on legislation this year.

Gibson Dunn’s bipartisan Public Policy Practice Group, including two of *The Hill’s* Top Lobbyists of 2022 helps our clients craft proactive strategies to advocate for their interests on Capitol Hill. Our bipartisan and bicameral experience as former congressional staffers working on bills related to the care of unaccompanied children, immigration, human trafficking, and forced labor has prepared us to support clients who want to advocate for improved standards and processes in Congress. Our backgrounds as senior staffers to senators and House members working on judiciary and homeland security issues give us the necessary insight and relationships to effectively lobby for our clients’ interests and gather political intelligence to help clients prepare for potential legislative changes.

Environmental, Social, and Governance Cross-Disciplinary Assistance

Gibson Dunn's market-leading ESG Practice Group features a multidisciplinary, international team of lawyers from across the firm who practice in the areas of litigation, corporate governance, corporate transactions, finance, compensation, information security, tax and business and human rights. We regularly work with clients across the globe to improve their compliance with labor laws and assist in investigations and litigation related to allegations of illegal child labor and forced labor.

OUR TEAM

Gibson Dunn's **Child Forced Labor Risks Global Task Force** stands ready to assist our clients in their efforts to prevent illegal child labor and forced labor in their own and their suppliers' workforce and to guide clients through government investigations and litigation based on allegations of illegal child labor or forced labor.

Please contact any of the lawyers below for additional information about how we may assist you.

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