Elise Groulx Diggs



Associated Tenant

"Elise is clearly a thought leader in business and human rights."
CHAMBERS UK, 2024

Elise Groulx Diggs practices international human rights law and international criminal law, with wide experience in litigation. She is also an accredited mediator in France and with IMI (The International Mediation Institute) in The Hague.

Elise is a true entrepreneur having created two international NGOs that she led while continuing to practice. Elise is a recognized expert in business and human rights where she has focused, amongst others, in assessing the legal risks of operating in fragile states and conflict zones. She advises corporations on human rights risks in their strategic and big footprint projects and global supply chains. She also works with law firms, consulting groups, trade unions and international NGOs in the United States, Canada, France and the United Kingdom with a focus on the UNGPs, the OECD guidelines for Multinational, the Equator principles and the SDGs.

Background

She is licensed to practice law as a barrister and solicitor in Québec (Canada), a lawyer in Paris (France). She is also a licensed legal consultant in the State of New York.

She has a track record of convening and mobilizing the international legal profession, dating from 1996 when she first entered the field of International Criminal Law (ICL). She has been a respected voice for the defence and an advocate for the international legal profession at the International Criminal Court (ICC), leading to the creation of the International Criminal Bar (ICB) in 2003.

She spent much of her career as a criminal defence attorney in Montréal, litigating complex court cases and engaging in plea-bargaining and negotiations. As a public defender, she represented thousands of indigent clients.

Areas of Expertise

She is one of a small group of lawyers who have specialized, for over a decade, in the fast-developing practice area of business and human rights. Elise focuses on international human rights, labour rights and getting involved in projects about environmental justice. Increasingly, we see how human rights and environmental sustainability

In her work both as a lawyer and a mediator, Elise favours an approach that promotes stakeholder engagement, building dialogue and consensus to avoid and prevent conflict with focus on mitigation and reparation.

My practice as an international mediator has expanded to include complex multi-stakeholder mediation in the field of international labour rights where my understanding of the UNGPs and the OECD guidelines as interpretative tools have been keys to my successful intervention in this environment. In 2021-2022 I conducted a long mediation (6 months) involving nearly 800 textile workers in Myanmar, Chinese employers, European brands, and International Union representatives.

Notable Cases

International

Paris, France, 2023 - ongoing

Business development to offer mediation on the duty of vigilance law / human rights / climate / energy and just transition for a Mediation Platform based.

February 2023 – ongoing

Leading a working group to build the Dispute Board and its rules for the OHADAC Regional Arbitration Centre.

Nov. 2022 - Mar. 2023

Developing a policy brief on regulation related to greenwashing and environmental claims for UNEP United Nations Environment Programme - read here

Paris, France, 2023

Advise a French multinational with activities in the construction, energy, transport infrastructure, media and telecoms sector, based in Paris, France, by establishing a diagnostic on their current vigilance plan (under the French law on HRDD) and contribute to build a new risk mapping.

2023

Led a legal watch for a multinational agribusiness on their international obligations in this space.

2022-2023

Conducting a legislative watch and a legal analysis on French, European and international laws and regulations that could impact the railway sector's purchases on environmental, social and governance issues.

2020 - ongoing

Working with a French consulting firm in France and Europe to develop and disseminate a new framework to strengthen corporate policies and enable more inclusive governance.

LexisNexis France, 2018 - ongoing

Regulatory monitoring and legal review of existing duty of care laws in several EU and non-EU countries for LexisNexis France.

International

International Human Rights

2023

Legal analysis and legal watch of various French and European laws on human rights due diligence and environmental issues for the French subsidiary of a major German corporation.

Paris, France, 2022

Mandate on the human rights' due diligence (French Duty of vigilance law) to assess the human rights due diligence framework of a major French corporation with activities of delivering mails, transporting, banking, communication.

2021-2022

Involved in an international multi-stakeholder's mediation between workers and employers in South East Asia to resolve dispute around freedom of association, working conditions, unpaid wages and severance package.

International Human Rights

Achievements

Associated Work

- Founding Member with eminent French public officials of a think tank on issues of security and development Cercle K2 (since 2014) in Paris, France
- She helped launched a new initiative in the field of Business and Human Rights, the development of an Access to Remedy Institute (ARI), to address human rights and environmental harms stemming from business activities. This new initiative is fostered by the ABA Center for Human Rights.

Memberships

Prior to joining 9BR Chambers in 2022, Elise was for seven years an Associate Tenant at Doughty Street Chambers in London. She is a member the Paris Bar and is Of Counsel at Alkine & Partners, a French law firm in Paris. She is "Of Counsel" at Fall Legal in Dakar, Senegal, and Endo & Partners, in Montréal, Québec (Canada). She is also Principal of the international consulting group, BI for Business Integrity & Partners LLC, based in Washington. D.C. (USA).

Appointments

- Chair of the Initiative on Business and Human Rights at the American Bar Association (ABA) Center for Human Rights, Washington DC.
- Affiliated to Georgetown University Law Centre in Washington, DC, where she is the Co-Director of a Programme for Lawyers in Business and Human Rights at the Centre on Ethics and the Legal Profession.

- Was chair of the IBA Committee on Business and Human Rights (London) until January 2022

Publications

- **Building and updating a legal review on all the existing laws in Human Rights and Environmental Due diligence**

Lexis Nexis France

2018 - on going

Legal review on existing laws in Germany, Norway, Italy, Spain, UK, US, Australia, Canada and the proposal for a European Directive on corporate sustainability due diligence.

- **Contracts for Responsible and Sustainable Supply Chains: Model Contract Clauses, Legal Analysis, and Practical Perspectives, Chapter 26**

ABA publishing, Business Law Section Edited by Susan A Maslow and David V Snyder, 8/4/2023

This comprehensive guide contains model contract clauses (MCCs) that companies and their counsel can use to implement balanced, responsible, and sustainable corporate policies to protect human rights and the environment.

Get your copy of the book here

- **Mediation in the Field of Business and Human Rights**

American Bar Association - 2021

American Bar Association, Section ADR/Alternative Dispute Resolution, Newsletter Just Resolution of the Public Disputes and Consensus Building committee

- **The Regulation of Multinational Labour (Chapter 21)**

Wolters Kluwer, 2020, pp.505-533

Elise Groulx Diggs, Brian Burkett and Mitt Regan wrote the 21st chapter, entitled "The Regulation of Multinational Labour and Employment Practices Through a Galaxy of Norms", of Rae Lindsay and Roger Martella's book on "Corporate Social Responsibility – Sustainable Business, Environmental, Social and Governance Frameworks for the 21st Century".

- **Business and Human Rights as a Galaxy of Norms**

Georgetown Journal of International Law, Vol 50, 2019, pp.309-362

Elise Groulx Diggs, Mitt Regan & Beatrice Parance, "Business and Human Rights as a Galaxy of Norms

This Article situates the new French duty of vigilance within a broader set of norms that can be characterized as the Business and Human Rights Galaxy. This Galaxy consists of five rings that represent standards and expectations ranging from classic enforceable “hard law” to voluntary principles generated by private parties, multi-stakeholder initiatives, and international organizations.

Podcasts

- **Supply Chain School with Helen Carter and Elise Groulx**

Episode 17 - Part 1/4 (10 July)

Elise Groulx explains the evolution of the legal frameworks for human rights

Elise describes the evolution of human rights law from the publication of the guiding principles on business and human rights by John Ruggie in 2011. She goes on to describe the 5 rings of law in this area … hard law, reporting, norms of conduct, contracts and standards, international soft law and norms. Elise describes how soft law does transition through these rings to become hard law. Elise provides examples from France, USA, Japan, India and the UK.

Listen on YouTube and Buzzsprout

Episode 17 - Part 2/4 (11 July)

The evolution of procurement practice around human rights.

Helen Carter describes her role in developing the British standard for Modern Slavery and her up coming role leading the UK delegation to develop an ISO standard. She describes the challenge for purchases to comply with the “galaxy of legislation” that is being developed around the world.

Listen on YouTube and Buzzsprout

Episode 17 - Part 3/4 (12 July)

Best practice in addressing human rights through supply chains.

In this episode Elise and Helen focus on supply chains. They discuss the role of the UN guiding principles on business and human rights (UNGP's) and changes in legislation around the world that makes organisations at the top of the supply chain as well as their subsidiaries and suppliers accountable for abuses of human rights. Organisations need to identify, map, prevent, mitigate and remediate human rights abuses. Helen describes the role of ISO standard to provide a framework for organisations to work toward this objective.

Listen on YouTube and Buzzsprout

Episode 17 - Part 4/4 (13 July)

Elise Groulx and Helen Carter discuss "Just Transition"

Elise and Helen share their thinking about just transition. They highlight the potential problems and the immense benefits just transition could bring to people and how just transition should be framed and focused. They make the link between low carbon technology, responsible consumption, human rights, environmental justice and bio diversity and the need for everyone to come together to deliver holistic solutions.

Listen on YouTube and Buzzsprout

Episode 17 - Full Episode *(14 July)*

Elise and Helen… The full conversation!

This episode is a recording of the entire conversation of Elise Groulx and Helen Carter as covered in previous episodes 1 – 4

Listen on YouTube and Buzzsprout

- **CEDR - The Human Face of a Green Economy**

Part 1 – Climate Risk Mapping

In this first part you learn about the challenges to build a social contract and the need to achieve a "Social License" through the value of true consent.

Listen here

Part 2 – Showing all the Facets

As we dismantle the Global Fossil Fuel Industry (GFF Ecosystem) there will be losers and winners and this is where mediators can play an essential role in building consensus.

Listen here

Part 3 – Key to Success

Mediation can help enable a just transition and ensure that social and economic changes happen peacefully, bringing together people, communities, corporations, civil society and governmental actors.

Listen here

Awards

- Business & Human Rights Law - Global Market Leaders

  Eminent Practitioners 2024 (15 February)

  Elise Groulx Diggs advises clients on a broad range of human rights matters including the development of policy frameworks, due diligence and the drafting of legislation. She has particular expertise in the French Duty of Vigilance Law and strong mediation capabilities.

- Elise is a thought leader and a recognized convener in the international legal profession and has been recognized and ranked internationally among the top 10 lawyers in the field of Business and

Human Rights (Chambers & Partners Global Guide, London,) 2017, 2018, 2019 and 2020. From 2021, she's ranked at the very top (Band One) and received the title "Global Market Elite Leader".

- Recipient of the Walter S. Tarnopolsky Human Rights Award to recognise her outstanding contributions to domestic and international human rights
- Canadian Civil liberties Association (CCLA) Advocacy Award for the remarkable contribution to the rule of law and the defence of civil liberties. 2004 Champion of Justice Award in the USA
- Champion of Justice Awards USA: This award is bestowed upon those individuals who – through legislative, journalistic, philanthropic, or humanitarian pursuits – have staunchly preserved or defended the constitutional rights of individuals in the United States and have endeavoured to ensure justice and due process for persons accused of crime. Read more here
- 2003 Quebec Bar Medal Highest honour awarded to a Quebec lawyer for her exceptional leadership in the development of Quebec Society in the legal space. Read more here