

Human rights and modern day (anti) slavery

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How the new modern slavery laws affect your organisation

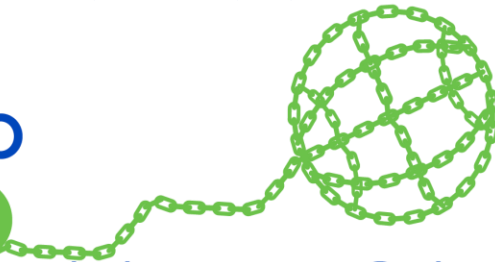
Isobel O'Brien and Albert Yuen
Gilbert + Tobin

Modern slavery worldwide

AN ESTIMATED

40.3 MILLION

people in the world live in modern slavery



15,000

In Australia, it's estimated
around 15,000 people live in
slavery or slave-like conditions.



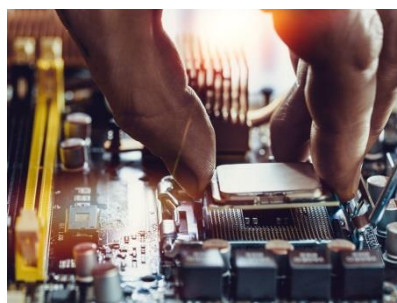
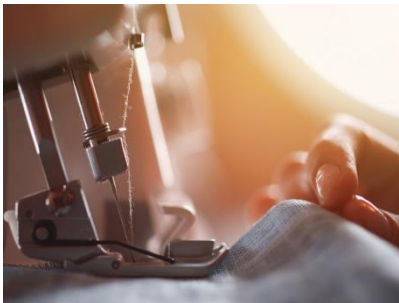
Around

25%

are children

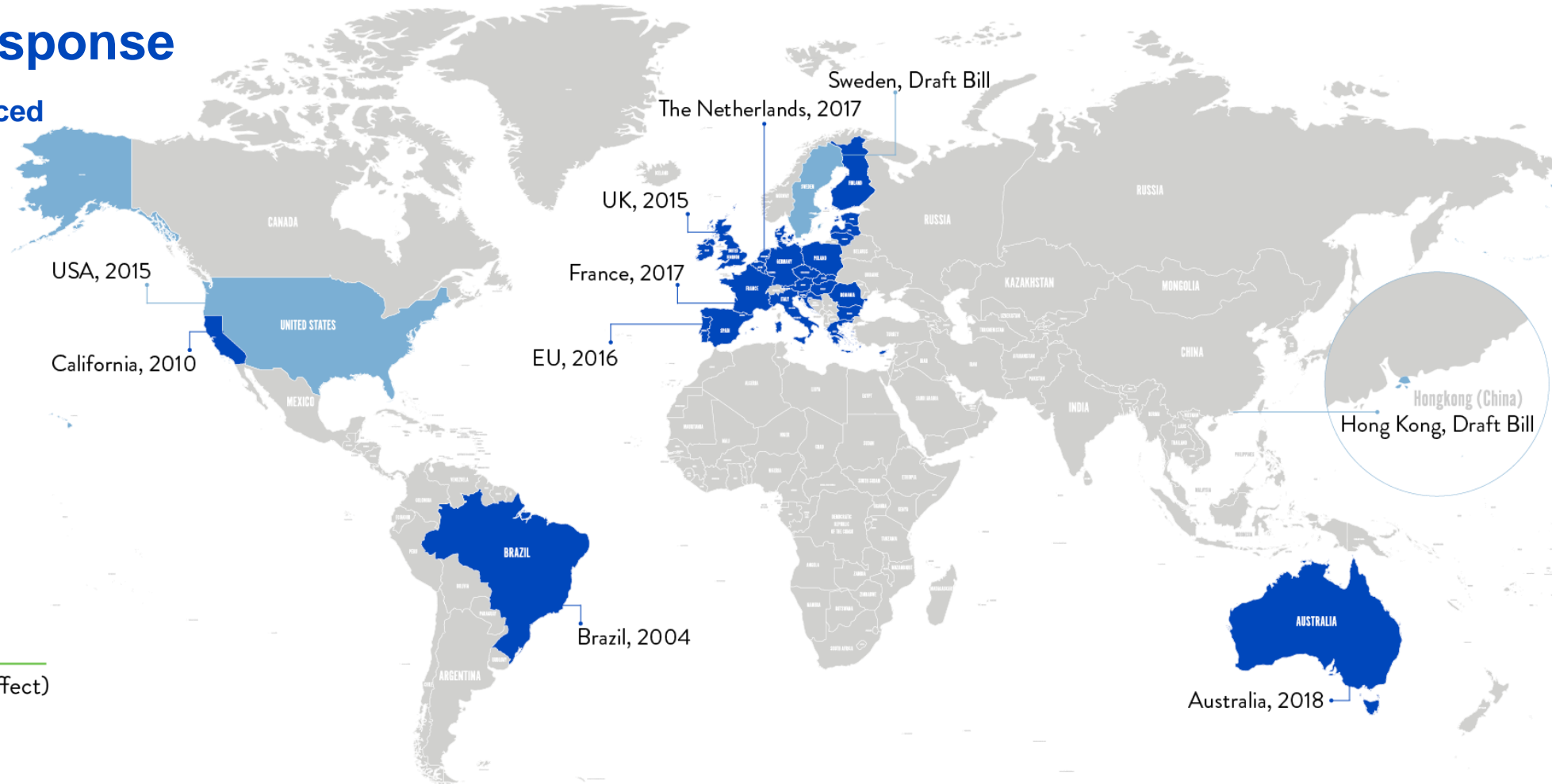
**Data from the Global Slavery Index 2018*

Modern slavery in everyday products



International response

Regions that have introduced
modern slavery legislation



Key

- Legislation (Year bill came into effect)
- Draft Bill

What is being done in Australia?



Commonwealth Act

*Passed by Parliament on 29 November 2018.
Commenced on 1 January 2019.*

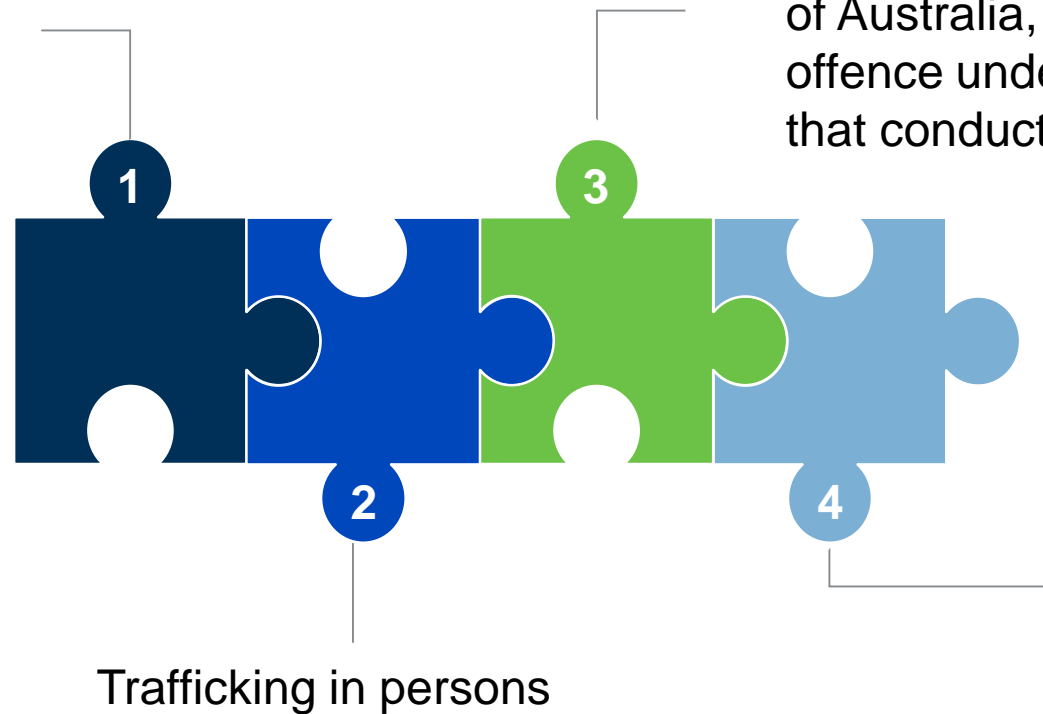
NSW Act

*Passed by NSW Parliament in June 2018.
Has not yet come into effect.*

What is modern slavery?

Slavery offences under the Australian Criminal Code:

- slavery
- slavery-like conditions
- servitude
- forced labour
- forced marriage
- people trafficking
- deceptive recruiting
- debt bondage



Includes conduct that occurs outside of Australia, but which would be an offence under the Criminal Code if that conduct took place in Australia

Trafficking in persons

The “worst forms of child labour”

Slavery under the Australian Criminal Code

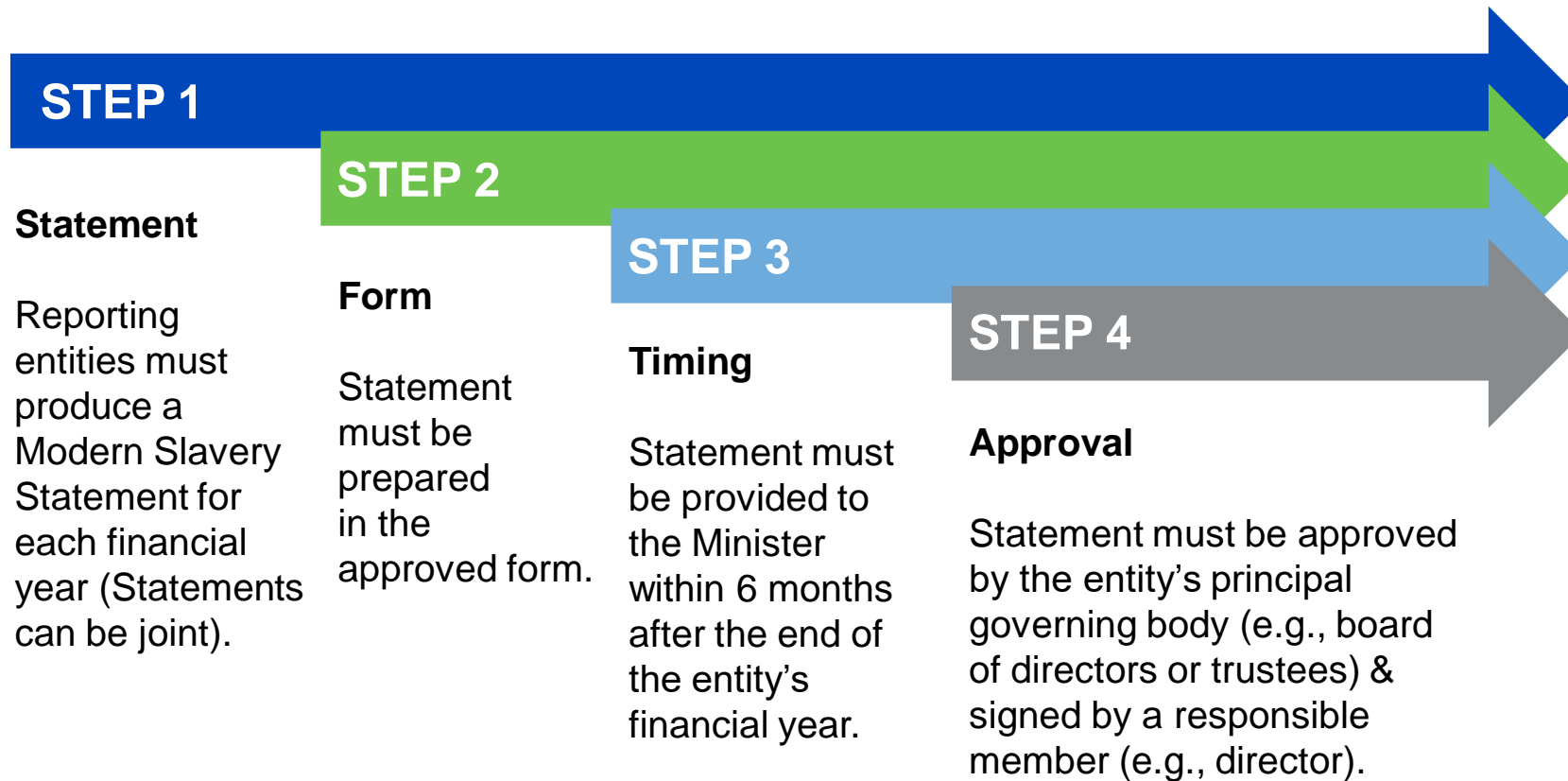
*“**Slavery** is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.”*

Australian Criminal Code, s. 270.1

Who must comply?



Requirements for compliance



New requirements under the Federal Act

*Boards are now accountable for **compulsory public statements** about the **risks of modern slavery** in their entities' operations and supply chains and how such risks are managed.*

*Does the Act
criminalise
slavery?*

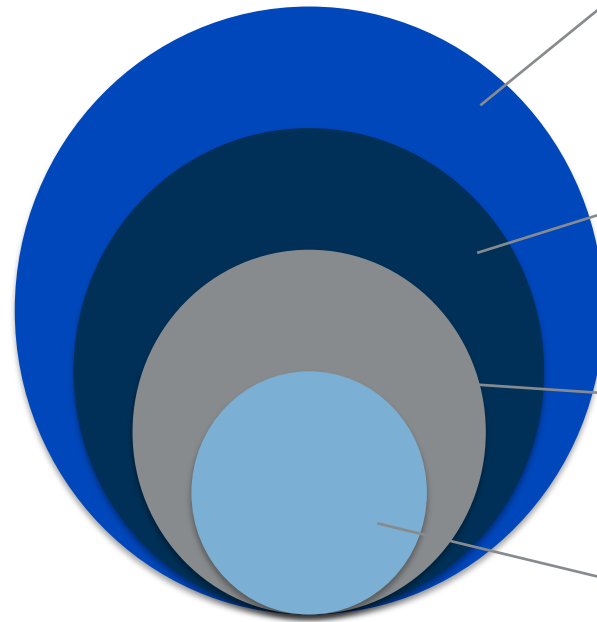
*Are Statements
made public?*

*Are there penalties
for non-
compliance?*

What must Statements address?

- ✓ Identify the reporting entity
- ✓ Describe its structure, operations & supply chains
- ✓ Describe the risks of modern slavery practices in its operations and supply chains – including relating to any entity controlled by the reporting entity
- ✓ Describe any actions taken to assess and address modern slavery risks
- ✓ Describe the effectiveness of any such actions taken to address risks
- ✓ Outline the details of approval by the principal governing body
- ✓ Describe the process of consultation with any entities owned or controlled by the reporting entity
- ✓ Additional relevant information

Identifying modern slavery risks



Geographic location

Certain countries have an increased risk of modern slavery in supply chains due to conflict, weak rule of law, corruption.

Industry type

Services - cleaning, hospitality, tourism.
Goods - manufacturing, fishing, apparel.

Commodities & raw materials used

High risk commodities include garments, cocoa, sugar cane, leather, flowers, diamonds, silk, rice, vanilla, tea, toys, timber.

Complex tiers in supply chains

Multiple levels of subcontracting in a supply chain reduces transparency.

Preparing for compliance



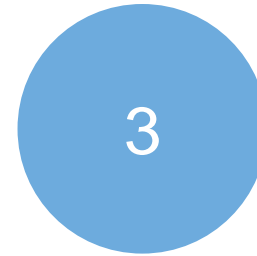
Map supply chains

Understand how your supply chains operate in the context of your structure and business.



Identify key risk areas

Identify supply chain vulnerabilities and risk factors.



Manage identified risks

Implement measures to minimise risks of modern slavery practices in your supply chains (e.g., reviewing supply contracts).



Fix identified issues

Develop an approach to remediate issues when they arise. Train staff about risks and how to take appropriate action.

Questions?



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