

MODERN SLAVERY exists in AUSTRALIA.

Register for this event to find out how the NSW State and Commonwealth Governments are doing to combat this issue through recent changes to the legislations.



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Professionals in International Trade have partnered with **Dentons Lawyers Network** and the **French Australian Lawyers Society** to host this event regarding Modern Slavery. Event date: 7 February 2019 held at Dentons Office.

PANEL DISCUSSION ON MODERN SLAVERY – EVENT SUMMARY

Despite the fact that there is not an international recognised definition for “modern slavery”, it is a problem which exists both in Australia and worldwide in many different scenarios. This is a challenge, therefore, to align the understanding of the concept of modern slavery internationally we need we look at every aspect of where goods are sourced and handled.

For example, peeled prawns from Thailand may be ethically produced however if they are using child labour to peel the prawns, then there is an issue with the supply chain, how the product is handled.

From a supply chain context, there are 14,000,000 people around the world who suffer modern slavery. Regarding the figures in Australia, there are 15,000 people who also fall under the scope of what it is understood broadly as modern slavery nowadays, particularly in the agricultural and clothing sectors.

Ultimately, modern slavery is connected to many businesses; from employing international students who are being underpaid and are not able to raise their voices about their situation to local businesses using international providers in countries where the labour conditions do not respect human rights.

There is a debate about the expectation of the corporate towards human rights. The discussion often starts with the question of: are the companies themselves the ones who hold the responsibility or the government?

From a business perspective, there has certainly been a spread of awareness on the impact individuals as consumers and companies regardless of the size, shape and industry can have on people.

From a government point of view, both the New South Wales government and the Australian government have passed two Acts to combat Modern Slavery locally and globally. The New South Wales Act affects businesses whose turnover is between \$50 to \$100 million whereas the Commonwealth Modern Slavery Act imposes obligations on companies with more than \$100 turnover.

The Modern Slavery Acts require companies to report annually about their operations and supply chains. This gives the power in the last instance to consumers who can make a final and informed decision.

Worldwide, there are also other countries which have implemented legislation on Modern Slavery such as the UK which has been used as a starting point for the Modern Slavery Act in Australia. Canada and Hong Kong are also currently working towards combating slavery in the modern world.

The moral obligation of businesses goes beyond the potential penalties they may face. There are several things that companies can do in order to ensure compliance with human rights such as getting to know their supply chain, setting standards, policies and code of ethics, engaging workers to find out what is happening on the ground, conduct human rights diligences and putting in place a remediation plan.

KEY POINTS FROM PANEL DISCUSSION

(Amy Sinclair): What is modern slavery?

Despite of the fact that there is not an international recognised definition for “modern slavery”, it is a problem which exists both in Australia and worldwide in many different ways.

From a supply chain context, there are 14,000,000 people around the world who suffer modern slavery. Regarding the figures in Australia, there are 15,000 people who also fall under the scope of what it is understood broadly as modern slavery nowadays, particularly in the agricultural and clothing sectors.

(Alison Elliott): What is an example of Modern Slavery?

There is a challenge to align the understanding of the concept of modern slavery internationally since there is a big umbrella including many different scenarios at the moment.

(Nicole D'Souza): What companies are covered by this legislation?

Ultimately, modern slavery is connected to many businesses; from international students who are being underpaid and are not able to raise their voices about their situation to local businesses using international providers in countries where the labour conditions do not respect human rights.

Who does this legislation typically affect?

The New South Wales Act affects business whose turnover is between \$50 to \$100 million whereas the Commonwealth Modern Slavery Act impose obligations on companies with more than \$100 turnover.

(Alison Elliott): What is the International Human Rights Law context?

There is a debate about the expectation of the corporate towards human rights. The discussion often starts with the question of: are the companies themselves the ones who hold the responsibility or the government?

From a business perspective, there has certainly been a spread of awareness on the impact individuals as consumers and companies regardless of the size, shape and industry can have on people.

Nicole D'Souza: What has been done in this are in other countries?

Worldwide, there are also other countries which have implemented legislation on Modern Slavery such as the UK which has been used as a starting point for the Modern Slavery Act in Australia. Canada and Hong Kong are also currently working towards combating slavery in the modern world.

(Amy Sinclair) and NSW government representatives: What are the differences between the Commonwealth and NSW acts?

From a government point of view, both the New South Wales government and the Australian government have passed two Acts to combat Modern Slavery locally and globally. The New South Wales Act affects businesses whose turnover is between \$50 to \$100 million whereas the Commonwealth Modern Slavery Act imposes obligations on companies with more than \$100 turnover.

The Modern Slavery Acts require companies to report annually about their operations and supply chains. Forcing companies to be transparent about their operations and supply chain, however, gives the power to consumers who are able to make an informed decision.

Nicole D'Souza: What should companies be doing to prepare and what should lawyers advise?

The moral obligation of businesses goes beyond the potential penalties they may face. There are several things that companies can do in order to ensure compliance with human rights such as getting to know their supply chain, setting standards, policies and code of ethics, engaging workers to find out what is happening on the ground, conduct human rights diligences and putting in place a remediation plan.

Professionals offering advice on this topic should fully understand the points of this legislation.

(Amy Sinclair): What are the reporting requirements for Modern Slavery Legislation?

The Modern Slavery Acts require companies to report annually about their operations and supply chains. The Commonwealth act does not impose penalties whereas the New South Wales Act does. Forcing companies to be transparent about their operations and supply chain, however, gives the power to consumers who are able to make an informed decision.

ABOUT THE PANEL

Alison Elliott - Senior Policy Advisor at UNICEF Australia and is a lawyer by training. She leads UNICEF Australia's policy and advocacy work regarding children's rights and business, as well as justice for children.

Amy Sinclair - Regional Representative for Australia, New Zealand and the Pacific at the Business & Human Rights Resource Centre, a global NGO tracking the human rights policies and performance of companies worldwide.

Nicole D'Souza - Ethical Sourcing Manager for Konica Minolta Business Solutions Australia Pty Ltd. She is an experienced government, regulatory, employment and litigation lawyer and domestic and international human rights advocate who has worked in Australia, Hong Kong, London and Geneva

In the audience we had JENNIFER BURN , Interim Anti-Slavery Commissioner (NSW) & Director at Anti-Slavery Australia, University of Technology, Sydney to comment on the NSW legislation. NSW State government is seriously wanting to address Modern Anti-Slavery within the state by appointing a dedicated Commissioner to oversee this issue.