

## What is Modern Day Slavery?

Modern slavery is one of the most discussed human rights issues of our time. Human trafficking, though a largely hidden crime, is believed to affect 2.4 million people at any given moment. It is also estimated that 21 million people are living in forced labour conditions, generating profits of around \$150 billion per year. An estimated 14.2 million of those working in forced labour are in the private sector – primary sectors at risk include agriculture, construction, domestic work, manufacturing and tourism and leisure industries. Forced labour often affects vulnerable persons, migrant workers and indigenous people are particularly affected. The risk of human trafficking and forced labour being associated with all companies has now become material, for both the companies and their investors. The Ecumenical Council on Corporate Responsibility estimates that sectors at risk include apparel, seafood, gold mining, travel and leisure.

UK's Modern Slavery Act requires businesses to consider the fact that both human trafficking and forced labour is everywhere from orange juice and fresh strawberries to garments and construction sites. Slavery is also possibly one of the oldest Human Rights offence, dating to ancient practices of debt bondage, restricted and bonded labour, child brides to large-scale slavery that led to the problem being addressed by anti-slavery campaigns. The principle of ending all forms of slavery is embedded in the Universal Declaration of Human Rights of 1948, where Article 4 states that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." The Modern Slavery Act passed in the UK in 2015, interprets this principle, and includes two offences, firstly *human trafficking*, that tackles 'Activities', 'Means' and 'Purpose' of trafficking:

stating that:

- a) A person commits an offence if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited, either the person intends to exploit V (in any part of the world) during or after the travel, or the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.

Secondly, an offence of *Slavery, servitude and forced or compulsory labour*, the Act states that:

- b) (a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or
- c) (b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

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How should companies then integrate the newly established requirements? Taking the example of John Lewis Partnership, they have published a business human rights strategy that integrates the reporting requirements set out in the Modern Slavery Act. The key elements are:

- 1) **Policy and due diligence.** We expect suppliers to meet the provisions set out in our Responsible Sourcing Code of Practice. This is aligned with the Ethical Trading Initiative (ETI) Base Code. The first provision of this code is that employment should be freely chosen. We have a due diligence process which assesses adherence to this code.

Lessons:

- a. This could also include appointing an individual board member to be accountable for Corporate Social Responsibility and Human Rights
- b. Creating a Company Code of Conduct that specifically addresses human rights and provides clear guidance for all employees, suppliers and partners

- 2) **Risk assessment Modern slavery** involves criminal activity and the signs can often be very subtle and difficult to identify, so audits can only get us so far. Therefore, we are going beyond a traditional auditing compliance approach by improving our understanding of where the risks are greatest and prioritising our activity accordingly. We have done this by engaging stakeholders, mapping our supply chains, using risk assessment tools such as Maplecroft and working with the Wilberforce Institute on Slavery and Emancipation (WISE) to assess risk in priority supply chains.

Lessons:

- a. Commit to developing an active reporting mechanisms to protect workers' rights which are accessible, transparent and fully understood by workers
- b. Ensure that progress being made through collaborative initiatives with stakeholders is clearly and regularly reported

- 3) **Awareness and collaboration.** We are members of Stronger Together and Fast Forward. These programmes raise awareness of issues such as forced labour, exploitative practices by labour providers and human trafficking. We are using the WISE assessments to develop specific projects to address key risks. We are also actively involved in a range of collaborative programmes tackling this issue such as Project Issara which is driving improvements in the Thai seafood industry.

Lessons:

- a. Especially in high-risk industries it's important to work with suppliers and partners to raise standards of compliance with its CSR and human rights policies
- b. Provide quantitative and qualitative evidence of staff training and auditing together with their outcomes and impact

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References:

ILO Fact Sheet on the Global Alliance on Forced Labour: <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

John Lewis Partnership's Human Rights and Modern Slavery Report:

<http://www.johnlewispartnership.co.uk/csr/sourcing-responsibly/human-rights.html>

The Ecumenical Council for Corporate Responsibility's report on Modern Slavery and the FTSE100:

<http://www.eccr.org.uk/module-htmldisplay-pid-95.html>