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February 14, 2020

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Australian Border Force
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To Whom It May Concern:

On behalf of the Global Compact Network Australia, we have pleasure in attaching our submission to the consultation on the *National Action Plan to Combat Modern Slavery 2020-24: Public Consultation Paper*.

The Global Compact Network Australia (GCNA) is the Australian, business-led network of the UN Global Compact; the world's largest corporate sustainability initiative. The GCNA brings together participants to the UN Global Compact, including a number of Australia's leading business, civil society organisations, business associations and universities, to advance responsible business practices and the private sector's contribution to sustainable development. We encourage business to respond to local, regional and global challenges to accelerate innovative solutions to meet societal challenges, including modern slavery.

Since early 2018 we have convened a Modern Slavery Community of Practice that works alongside some of Australia's top businesses to assist them with preventing and addressing any modern slavery in their own business and supply chains, complying with new reporting requirements and increasing their understanding of existing human rights frameworks including the UN Guiding Principles on Business and Human Rights. The Community of Practice meets quarterly and has held meetings in Melbourne, Sydney and Perth. The GCNA also actively participated in the Government's Inquiry into Establishing a Modern Slavery Act in Australia and one of our directors, Vanessa Zimmerman, was part of the Modern Slavery Expert Advisory Committee that supported the development of the Government's Guidance for reporting entities for the Commonwealth Modern Slavery Act.

In addition to our work in preventing modern slavery, the GCNA also has a strong focus on the broader role of business in respecting human rights. To this end, we convene numerous events throughout the year, including an annual business and human trends webinar and the Australian Dialogue on Business and Human Rights. In 2018 the Dialogue focused on modern slavery and was attended by over 100 delegates from business, civil society, academia and government. In addition, early in 2020 we released a discussion paper on the intersection between climate change and human rights, [Why climate change and human rights are a business issue](#)¹, which identified how modern slavery might be exacerbated as the impacts of climate change are felt more broadly.

Our feedback on the consultation is intended to encourage practical support and consistent approaches to facilitate Australian business to know and show that they are effectively managing their modern slavery risks.

¹ http://www.unglobalcompact.org.au/new/wp-content/uploads/2020/01/2020.01_GCNA-Climate-HR-Discussion-Paper-Final.pdf

Should you or another member of Australian Border Force require further information please do not hesitate to contact me.

Yours sincerely,



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National Action Plan to Combat Modern Slavery 2020-24: Public Consultation Paper



Global Compact
Network Australia

A. Summary of our Recommendations

The Global Compact Network Australia (GCNA) is supportive of the goals proposed for the Australian Government from 2020-2024. Our recommendations predominantly seek clarification of key terms used in the proposed Goals, as well as proposing explanatory content which could be included in the plan.

Further to this, we suggest the Goals could be expanded to address emerging issues such as protection against modern slavery and corruption, and the interlinkages between these issues and others such as climate change. We also suggest that the Government seeks to support established methods to enact change such as the promotion of multi-stakeholder collaboration, accessible online training, and regular reporting to assist organisations in furthering their impact.

To assist with the impact measurement of this plan, the GCNA recommends that clear KPIs are introduced which include both qualitative and quantitative targets, and that an external body could assist in assessing whether the KPIs have been achieved.

We note that whilst we are a member-led organisation, this submission has been prepared without broad consultation of our member organisations. As such, it should not be taken as representing the views of any one member.

B. The United Nations Global Compact

As a special initiative of the UN Secretary-General, the United Nations Global Compact is a call to companies everywhere to align their operations and strategies with ten universal principles in the areas of human rights, labour, environment and anti-corruption. Launched in 2000, the mandate of the UN Global Compact is to guide and support the global business community in advancing UN goals and values through responsible corporate practices. With more than 9,500 companies and 3,000 non-business signatories based in over 160 countries, and more than 70 Local Networks, it is the largest corporate sustainability initiative in the world.

In Australia, the Global Compact Network Australia (GCNA) brings together participants of the UN Global Compact, including a number of Australia's leading companies, civil society organisations and universities, in a platform for dialogue, learning, influence and action that is practical and leading edge. We guide businesses on how a principles-based approach to doing business by advancing the Ten Principles and contributing to the UN Sustainable Development Goals (SDGs) drives long-term business success. Our members include a number of Australia's leading business including over 35 ASX listed companies and a range of private companies, mid-tiers and SMEs.

As a leading voice and platform for learning and action, we have built a strong reputation with business and civil society on supporting business to tackle modern slavery. In 2019 the GCNA welcomed the opportunity to make a submission in relation to the Department of Home Affairs' Draft Guidance for Reporting Entities under Australia's *Modern Slavery Act 2018 (Cth)*. Through our role as a member of the multi-stakeholder advisory committee supporting the completion of the Guidance and through actions such as being part of a [multi-stakeholder initiative to support the passage](#)² of the Modern Slavery Act, we have provided an important business lens to key Australian modern slavery developments. Our multi-stakeholder convening power is showcased through events such as our annual Australian Dialogue on Business and Human Rights. Our ongoing Modern Slavery Community

² See, for example: <http://www.unglobalcompact.org.au/new/wp-content/uploads/2018/09/MSA-Joint-Letter-to-PM.pdf>

of Practice (MSCoP), is committed to raising the capacity and awareness of Australian business, bringing together thirty Australian businesses to drive good practice in modern slavery risk management and reporting.

C. Consultation Questions

1. Do the 12 goals capture key areas of focus for Australia over the next five years?

The GCNA is supportive of the proposed Goals which capture and map broad objectives for the Australian Government from 2020-2024. The GCNA suggests that the Government could improve its Goals by using more specific language to more clearly define its objectives and stakeholders, as outlined below. We understand that the goals are likely to be elaborated in the updated National Action Plan (NAP) and some of our feedback therefore relates not only to language that may be included in each goal, but also explanatory content that may go into the Plan.

Goal	Commentary
Goal 1: Maintain and promote compliance with international standards on modern slavery	We suggest that instead of 'maintain and promote international standards', the Goal could be better defined to advocate for the <i>implementation</i> of international standards globally, including through promotion of compliance with broader international human rights standards (i.e. the OECD Guidelines for Multinational Enterprises, the UN Guiding Principles on Business and Human Rights) and the relevant Sustainable Development Goals (i.e. SDG 8.7).
Goal 2: Engage the Australian community to understand and combat modern slavery	We encourage the Government to clearly define the 'Australian community' to include key stakeholders, with specific reference to business. Alternatively, business engagement could be explicitly targeted in Goal 12 (see suggestion below).
Goal 3: promote an evidence-based response to modern slavery	We support an evidence-based response to modern slavery, however we suggest that the Government provides more clarity around this Goal. This could include elaborating on the likely future sources of knowledge and practical understanding of modern slavery issues. The GCNA also encourages that the NAP contains more detail on the links between the drivers of modern slavery and the preventative role played by responsible business practices. The NAP could also highlight the opportunity to support the evolution of these practices though ensuring business have quality information of incidences of modern slavery.
Goal 4: maintain a robust and comprehensive legislative framework to combat modern slavery	The GCNA encourages the Government to include reference in Goal 4 to regularly reviewing and evolving legislative frameworks where possible. In particular, while the GCNA supports Australia continuing to take a leading role in developing robust legislative measures, it also encourages the Government to promote consistent approaches amongst jurisdictions to avoid conflicting requirements.
Goal 5: Train frontline officials to support the identification of victims and effective	The GCNA supports Goal 5 and encourages the Government to include a clear definition of 'frontline officials' in the NAP. We also encourage the Government to consider the opportunities across Goal 5 to include online training for other stakeholders including business,



investigations of modern slavery	particularly SMEs, to help them identify signs of modern slavery. This could be explicitly incorporated into Goal 5 or addressed as a subset goal.
Goal 6: progress effective prosecutions to secure convictions against offenders	We support Goal 6 and encourage the Government to clarify that offenders can be both individuals and legal persons.
Goal 7: enhance our response to combat forced marriage	In addition to the broad objective of Goal 7, the GCNA suggests that the NAP outlines how this response will be enhanced. In this outline, the GCNA recommends that the Government include reference to increasing business' understanding of these crimes and how companies may be involved, as well as the steps available to prevent and address forced marriage in business contexts.
Goal 8: enhance our response to combating serious forms of labour exploitation, including forced labour and deceptive recruiting	The GCNA supports Goal 8 and emphasises the need for this goal to include the worst forms of child labour. As with Goal 7, the implementation of Goal 8 should focus on increasing business' understanding of these crimes including how companies may be involved, as well as the steps available to prevent and address serious forms of labour exploitation in a company's own operations and supply chains.
Goal 9: promote transparency and accountability for combating modern slavery risks in global supply chains, including in Government procurement	The GCNA supports transparent and accountable procurement and is supportive of this Goal.
Goal 10: Provide appropriate support, protections and remedies to empower victims of modern slavery	The GCNA supports Goal 10. We urge the Government to consider and clarify what the provision of 'appropriate support' will entail and in the NAP to outline the responsibilities of respective parties (i.e. businesses) in remediation processes. The NAP should also recognise the role of the Australian National Contact Point (AusNCP) and ensure that there is collaboration on the implementation of shared aims within the Australian Government.
Goal 11: enhance our leadership and partnerships to promote regional and international cooperation on combating modern slavery	The GCNA agrees with Goal 11 but encourages the Government to specifically reference working alongside business in its elaboration of the Goal.
Goal 12: work collaboratively across government, along with non-government stakeholders, to combat modern slavery	The GCNA supports collaborative work between Government and non-government stakeholders however we suggest that the Goal 12 include specific reference to business to ensure the engagement and accountability of the private sector.



2. Should there be additional goals to address other areas of focus, emerging issues or trends? If so, what should they be?

The twelve proposed Goals are reflective of the key areas of focus that the GCNA would like to see the Government address in the NAP. In addition to the proposed Goals, we suggest that the Government consider the following emerging issues and the opportunities they present to create additional goals or supporting commentary in the NAP:

- We encourage the Government to focus on promoting multi-stakeholder collaboration and partnership, particularly between business and civil society. A new Goal could refer to the role of partnerships in preventing and addressing modern slavery, including avenues for different stakeholders to work together to provide support to victims.
- An additional Goal or commentary associated with a Goal could be developed that demonstrates that Australia will look for opportunities to embed protection against modern slavery in international trade and investment negotiations and agreements.
- The GCNA has observed numerous emerging trends in business and human rights. For example, increasing initiatives in multiple jurisdictions to introduce [mandatory human rights due diligence](#)³ for business. In this context we suggest that the Government incorporate a methodology into the NAP that enables consideration of trends and how guidance about modern slavery will take these trends into consideration. This will equip Australian business to meaningfully take account of emerging human rights trends and allow them to demonstrate that they are working to identify, prevent, address and mitigate any involvement in instances of modern slavery.
- The GCNA encourages the Government to actively consider how the NAP will help the Government, business and other stakeholders to ensure their modern slavery responses take into account other related global challenges such as corruption and climate change. Given the interconnectedness of these issues, it is important to avoid siloed approaches. Efforts should also be made in related National Action Plans or policies for these other topics to reference the Government's work on modern slavery to ensure policy coherence.
- The GCNA suggests that the NAP outlines a specific goal to work with other countries and international institutions to continue to strengthen and evolve international standards to combat modern slavery.

3. The Government is committed to ensuring victims of modern slavery are supported, protected and empowered. Are there ways in which the Government can better reflect the voices of victims and their lived experiences in the 2020-24 Plan and Australia's response to modern slavery?

The GCNA would encourage the Government to consider the following strategies to better reflect the voices and lived experiences of survivors of modern slavery:

- Good examples of how businesses are managing their modern slavery and broader human rights on the new Modern Slavery Registry website.
- The development of accessible online training on modern slavery that includes real case studies.
- Updated versions of the Government's guidance on the Act should also continue to encourage reporting on engaging with survivors and could point to some general examples of good reporting.
- Engaging survivors in consultation when determining appropriate responses to modern slavery crimes. This includes, but is not limited to, understanding and incorporating their

³ See, for example: <https://www.business-humanrights.org/en/mandatory-due-diligence>

expectations of the support, protection and remedy that should be available following the crime, and what the Government's expectations are of business-managed grievance mechanisms.

- Working with Australian businesses to help find opportunities and services to support victims, such as accommodation, banking and employment for survivors.

Although the GCNA does not explicitly provide support to survivors of modern slavery, we encourage all of our members to embed the United Nations Guiding Principles on Business and Human Rights (UNGPs) throughout their work to prevent and address any involvement they might have in modern slavery. This includes ensuring that they provide for or cooperate in remediation where they identify that they have caused or contributed to modern slavery. It also means having appropriate grievance mechanisms in place to hear and address complaints around modern slavery. Through our annual Australian Business and Human Rights Dialogue, the GCNA will continue to highlight the voice of survivors of modern slavery so as to strengthen corporate understanding of the impacts of business-related human rights harm.

4. The Government is committed to ensuring that we can measure the impacts of the 2020-24 Plan. Are there evaluation methods, data sources or metrics the Government should consider in developing an evaluation framework?

The GCNA suggests that in order to measure the impacts of the 2020-24 Plan, the Government should focus on clearly defining each Goal with clear consideration of the ability to demonstrate the effective delivery of that Goal. We would therefore encourage the Government to include a set of Key Performance Indicators (KPIs) for each Goal so that progress can be clearly measured. The NAP should include a mix of qualitative and quantitative indicators and an external body such as the National Slavery and Human Trafficking Roundtable could be used to help assess whether these KPIs are being met. The GCNA encourages the Government to consider more permanent business representation on the Roundtable to encourage the use of metrics that align with how business considers and measures modern slavery risks.

D. Conclusion

The GCNA is supportive of the Government's proposed *National Action Plan for Combatting Modern Slavery 2020-24* and commends the Government's efforts in ensuring a variety of stakeholder voices have the opportunity to contribute to its content via submissions to its *Public Consultations Paper*.

In this submission the GCNA has outlined its suggestions for improving the Goals of the NAP, broadly commenting on the need to ensure the use of more specific language in each of the Goals so as to more clearly communicate the objectives and to which stakeholders the Goal applies. The proposed Goals of the NAP provide a strong framework for action which if coupled with qualitative and quantitative indicators of progress have the potential to provide the Government and external stakeholders with a clear roadmap to advance meaningful action to tackle modern slavery over the next four years.

The GCNA would also like to emphasise that the NAP should facilitate building the capacity of, and engagement with, the business community which will need support to respond to these developments but can also be an important partner and source of learning.

The Government should be wary of creating an inflexible NAP; core to the strength of the NAP should be a capacity and readiness to adapt to any external changes within its lifetime.



The GCNA is ready and willing to assist in further developments in this space; through both our programmatic and content streams of work we will aim to support the Government's NAP by working with business and other stakeholders to combat all forms of modern slavery.

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