

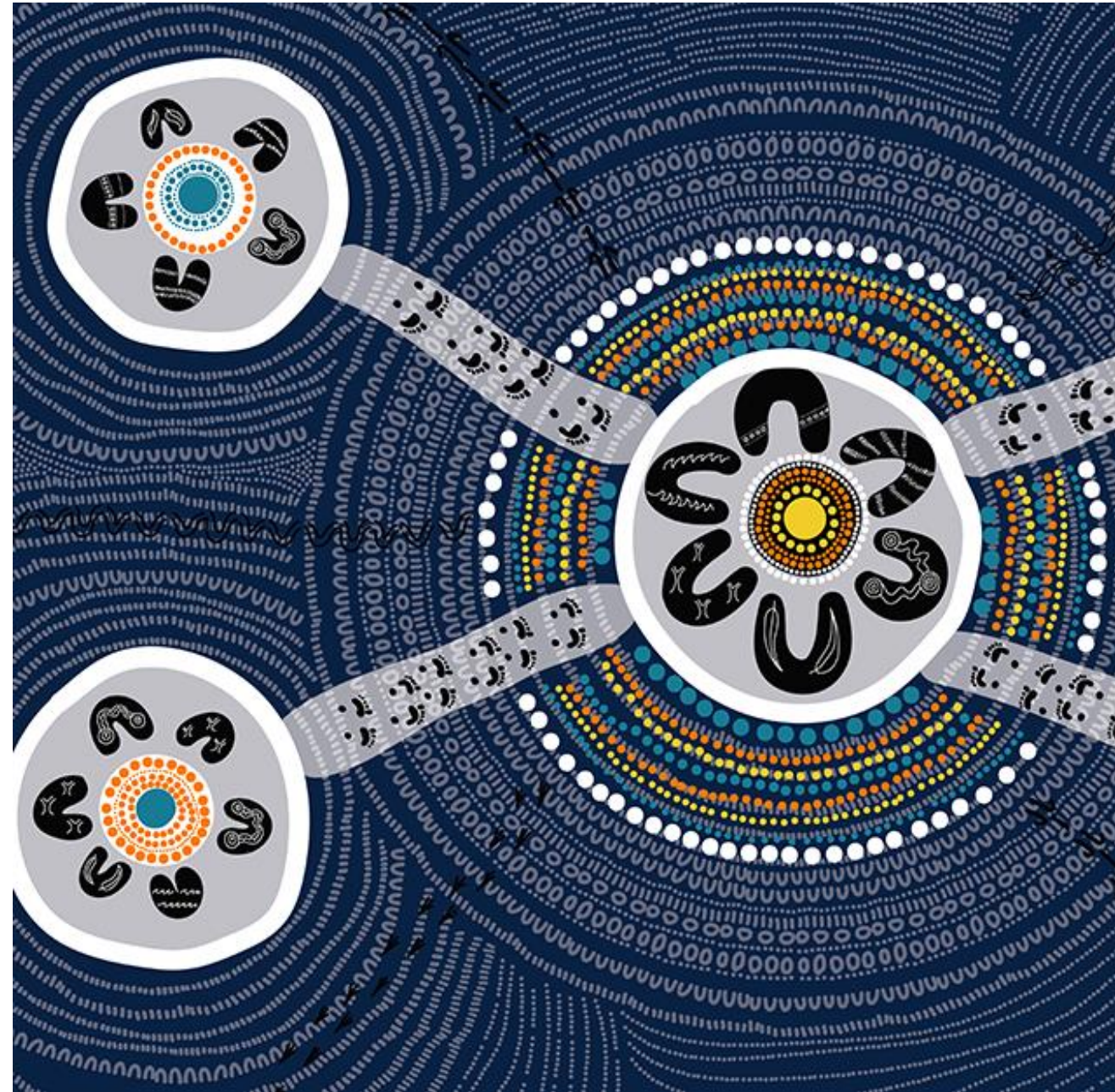


Modern Slavery in the Infrastructure Sector Webinar

29 FEBRUARY 2024

Acknowledgement of country

The ISC would like to begin by acknowledging the Traditional Custodians of the land on which we meet today. I acknowledge their deep connection to land, water and culture, and pay my respects to their Elders past, present and future.



Agenda



1

General Overview & Legislative Context
Alexander Coward, Pillar Two

2

Risks & Renewables,
Sebastian Conley, Transurban

3

Q&A

4

Guidance on Reasonable Steps to Manage Modern Slavery Risks to the Infrastructure Sector, Lucy Forbes, Office of the Anti-Slavery Commissioner

5

Q&A

6

Closing Remarks





Alexander Coward

Director

Pillar Two

Global legislative and policy developments

HUMAN RIGHTS / SUSTAINABILITY DUE DILIGENCE AND REPORTING LEGISLATION

- Cover all internationally recognised human rights
- Require reporting **and** action to assess and address human rights risks
- Examples include - for reporting: **EU Corporate Sustainability Reporting Directive (CSRD)**; for due diligence: draft **EU Directive on Corporate Sustainability Due Diligence (CSDDD)**, existing laws in **France, Germany** and **Norway**, and proposed draft legislation in **South Korea**

IMPORT BANS AND BORDER MEASURES

- Generally focused on modern slavery
- Aim to prevent goods tainted by modern slavery entering national markets
- Examples include **US** and **Canadian** import bans and **EU** proposed regulation

HUMAN RIGHTS DUE DILIGENCE GUIDELINES

- Government drafted voluntary guidelines setting expectations relating to human rights due diligence in value chains
- Examples include **Japanese Government Guidelines** relating to conduct in Japan and overseas
- Some national action plans may also include guidelines

MODERN SLAVERY TRANSPARENCY LEGISLATION

- Focus on modern slavery
- Limited to reporting requirements but aim to drive action
- Examples include **UK, Australian, Canadian** and **Californian** legislation
- In 2023 **New Zealand** announced it intends to introduce modern slavery legislation



Current or proposed modern slavery or broader human rights due diligence initiatives



Sebastian Conley
Sustainable Procurement Manager
Transurban

95%

of the world's solar modules use polysilicon

40-45%

of solar-grade polysilicon has been reportedly linked to regions using state sponsored forced labour

Source: [Clean Energy Council: Addressing Modern Slavery in the Clean Energy Sector](#)





Balsa wood used within wind turbine blades has led to many workers in the Amazon region of Ecuador to be subject to substandard labour conditions

Source: [Clean Energy Council: Addressing Modern Slavery in the Clean Energy Sector](#)

As well as links to deforestation and challenges in end-of-life recyclability

Evidence grows of forced labour and slavery in production of solar panels, wind turbines

A 'certificate of origin' scheme could counter concerns about renewables supply chains, says Clean Energy Council

- Follow our [Australia news live blog for the latest updates](#)
- Get our [morning and afternoon news emails](#), [free app](#) or [daily news podcast](#)



📍 Australian Uyghurs protesting in Sydney. A new report has linked renewable energy supply chains producing solar panels and wind turbines to forced labour in regions such as Xinjiang in north-west China. Photograph: Flavio Brancaleone/EPA

INDONZ / INDONZ FEATURED STORIES

Immigration New Zealand launches investigation into migrant worker exploitation

9:40 am on 18 August 2023

Blessen Tom, journalist
@blessen_tom | Blessen.Tom@rnz.co.nz
Liu Chen, journalist
liuchen@rnz.co.nz

Share this



Workers are crammed into small rooms in an Auckland house. Photo: RNZ / Blessen Tom

The government has launched an investigation into dozens of migrant workers who have been left stranded in Auckland.

A Newshub report on Sunday revealed that more than 30 workers were stuck in Auckland after arriving in the country on accredited employment work visas.

Construction industry worker exploitation ring busted

By Callum Godde
Updated July 21 2023 - 9:43am, first published 9:41am



📍 Illegal workers employed in construction were being paid cash under the table, investigators found. (Paul Braven/AAP PHOTOS)

A money laundering and foreign worker exploitation ring has been busted after a long-running probe into the NSW and ACT building sector.

A 55-year-old Chinese national was convicted and fined this week over her involvement in money laundering, tax evasion and foreign worker exploitation within the construction industry.

Source: AFP / Junior Kannah



Bloomberg reporters try to uncover the secrecy haunting China's solar polysilicon factories in Xinjiang

No one really knows what's going on inside the factories.

By EDITORIAL TEAM | April 19 2021

Share Tweet In

Bookmark

The world's solar power surge depends on polysilicon from factories in Xinjiang, China. No one really knows what's going on inside the facilities.

The veil over Xinjiang has made the search for answers about the links between China's labour program and its solar industry a job for outside researchers—who, it turns out, have found potentially telling details just by combing through public records.



Why Secrecy Haunts China's Solar Factories in Xinjiang

Watch on YouTube

🕒 This article is more than 1 year old

Evidence grows of forced labour and slavery in production of solar panels, wind turbines

A 'certificate of origin' scheme could counter concerns about renewables supply chains, says Clean Energy Council

- Follow our [Australia news live blog for the latest updates](#)
- Get our [morning and afternoon news emails](#), [free app](#) or [daily news podcast](#)

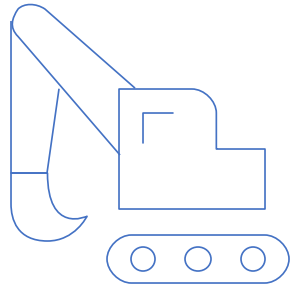


Trade unions raise alarm over allegations of forced labour in Xinjiang production of solar components

By Max Walden
Posted Wed 21 Apr 2021 at 4:42am, updated Sat 24 Apr 2021 at 1:52pm

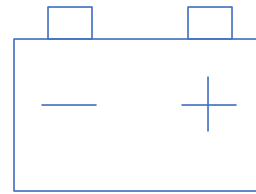


CONDUCT ONGOING DUE DILIGENCE



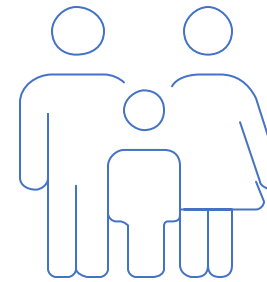
PROCESSES

Map the processes involved through the entire lifecycle



PARTS

Understand the parts, components and raw materials



PEOPLE

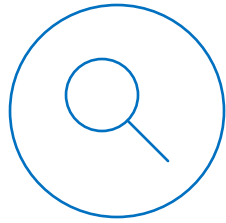
Identify and track vulnerable people involved



PRACTICES

Understand the practices that impact vulnerable people

CONDUCT ONGOING DUE DILIGENCE



Identify your supply chain actors

by working with suppliers to illuminate input materials, identify processes and understand suppliers below Tier 1



Assess

- Gather information on the materials, production activities and locations identified
- Map inherent modern slavery risks to each step of the supply chain, also identifying vulnerable people who may be 'at risk' in the supply chain
- Broaden the view to labour risks not just looking at 'modern slavery'

CONDUCT ONGOING DUE DILIGENCE



Address

the risks by working with your supply chain

- protect vulnerable people
- raise awareness
- strengthen supply chain transparency
- implement policies



Enable people

by providing training to people who can identify vulnerable people, risks and potential victims

Enable people by providing people with access and ability to raise concerns and make sure people are trained to know how to access these channels



||

Q&A



Lucy Forbes

Acting Senior Legal Policy Officer

Office of the Anti-Slavery Commissioner



Office of the
Anti-slavery
Commissioner

Modern Slavery and the Infrastructure Sector

Presentation from Lucy Forbes, Acting Senior Legal Policy
Officer

Thursday, 29 February 2024

OFFICIAL – NOT LEGAL ADVICE



Acknowledgement of Country

I acknowledge Aboriginal and Torres Strait Islanders as Australia's First Nations and custodians of the land and pay respects to Elders past and present.

First Nations people have survived modern slavery and continue to live with its legacies.

Creation

© Uncle Richard Campbell / Kinchela Boys Home Aboriginal Corporation

Agenda

01

Modern Slavery

02

Legal Reforms in NSW

03

Shared Implementation
Framework

04

Reporting and Implementation

05

Towards a Code of Practice for
Renewables

1

Modern Slavery





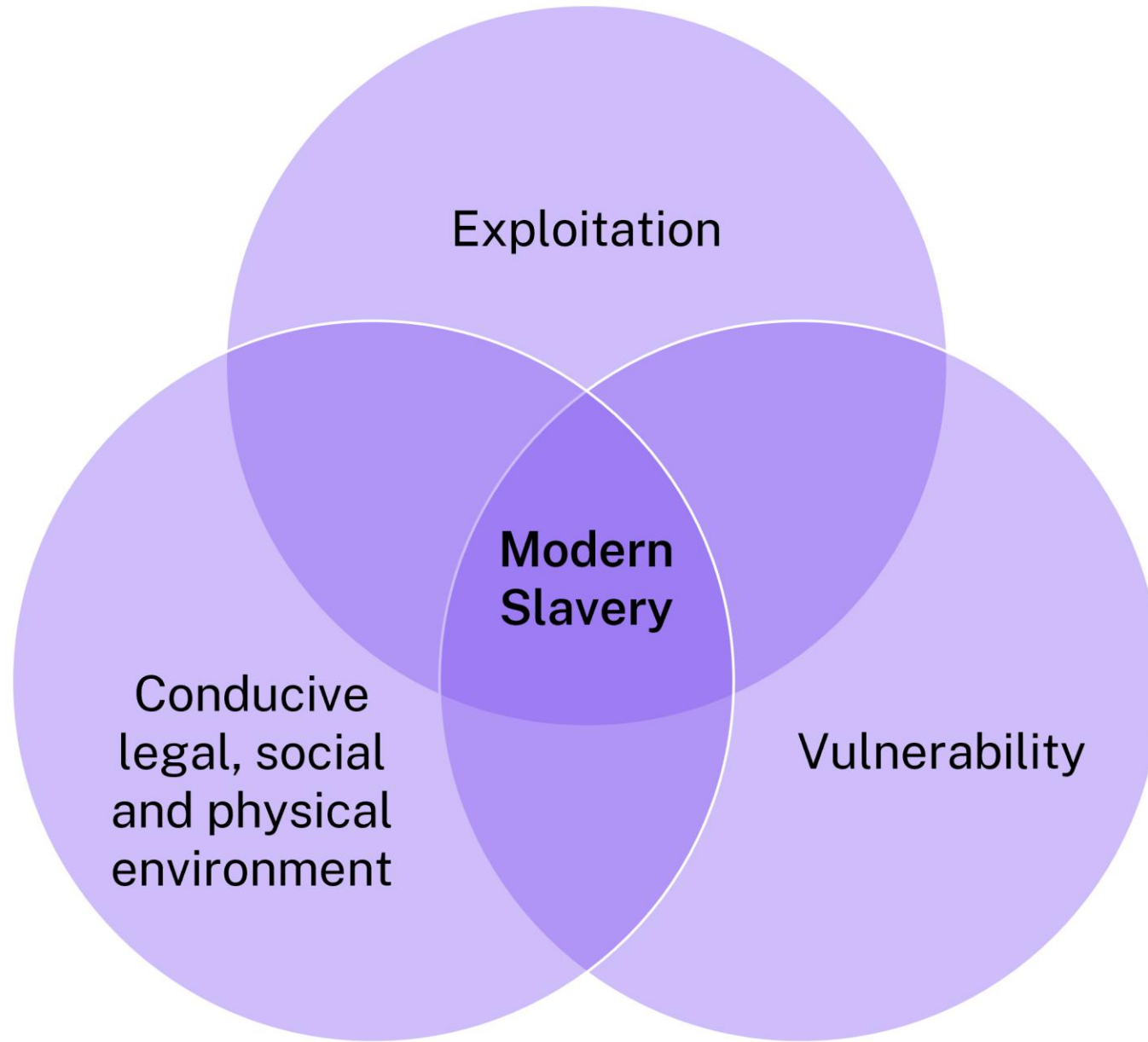
Modern Slavery

- 50 million people enslaved worldwide (ILO)
- Estimated 41,000 people in modern slavery in Australia (Walk Free)
- Estimated 16,400 people in modern slavery in NSW
- Australian entities connected to forced labour and modern slavery in supply-chains overseas, and potentially in NSW
- Modern slavery risks occasionally also in entities' own operations
- Estimated cost to NSW: \$9.6 billion



Modern Slavery

- Definition in the Modern Slavery Act 2018 (NSW)
- Includes variety of ‘modern slavery offences’
- Conduct does not have to occur in NSW
- The recurring theme is people being treated ‘as if owned’





Modern Slavery Risks in Infrastructure Supply Chains

The sector faces elevated risks of modern slavery within its operations and supply chains because of factors such as:

- high demand for low-skilled labour force (construction, cleaning, and security)
- poor visibility over long and complex supply chains
- low-tier suppliers operating in high-risk geographies
- tight project deadlines and seasonality

Common modern slavery practices in infrastructure includes:

- human trafficking, especially through transit infrastructure, such as airports and seaports
- forced or unpaid work
- unsafe conditions
- bonded and child labour
- inadequate accommodation
- passport confiscation

2

Legal Reforms in NSW





Legal Reforms

- Must take **reasonable steps** to ensure that goods and services procured by and for the agency are not the product of modern slavery.
- Reporting obligations differ depending on type of covered entity
 - GSF agencies (GSF Act)
 - Councils (Local Government Act)
 - Certain universities (GSF Act s 7.3(1)).
- Comply with procurement board directions or policies relating to modern slavery.
- These obligations kicked in on 1 July 2022.
- Subject to ‘modern slavery audit’ by NSW Auditor-General.

Modern Slavery Laws at the Federal and State Level

The Commonwealth and NSW modern slavery regimes operate side by side

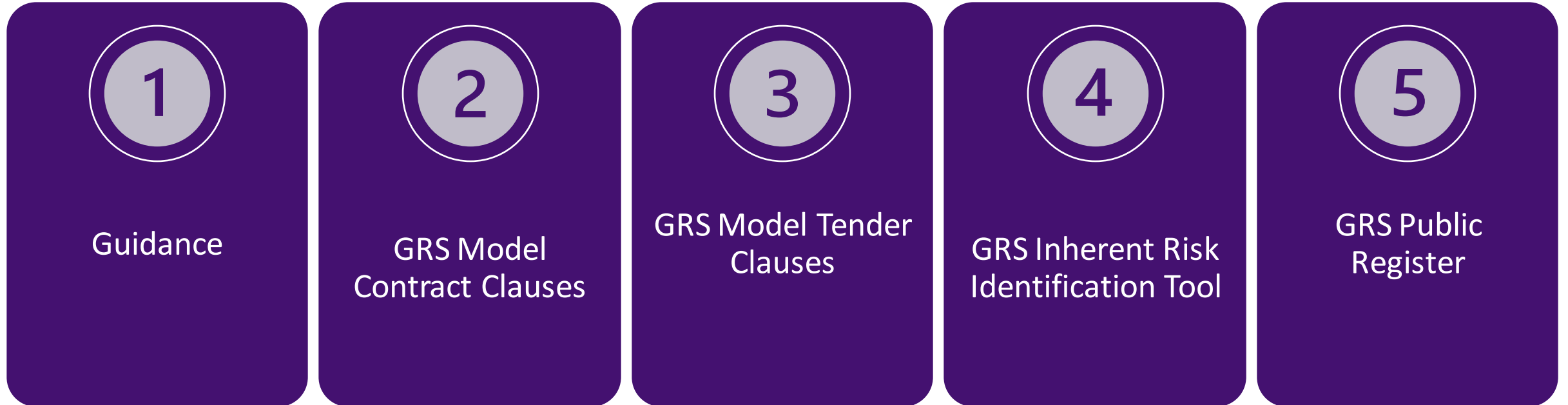
- Commonwealth MSA focuses on corporate due diligence
 - NSW MSA appoints ASC; creates DD and reporting obligations for public buyers. No separate reporting for private entities.
 - Limited overlap: NSW Act requires SOCs to report under Cth Act; a few entities will report under both Acts.
- **Review of the Cth Act:** recommendations include establishment of federal ASC, \$50M reporting threshold, DD obligations, expanded reporting criteria, and penalties.
 - **Review of the NSW Act:** no duplication of Cth obligations. Discussion of need for outreach, resourcing and centring lived experience.

3

Shared Implementation Framework



Shared Implementation Framework



- Supplemented by [GRS Resources](#)
- Additional materials and resources may be added from time to time, e.g. Modern Slavery Policy Template
- May refer to Codes of Practice

OFFICIAL

Office of the
Anti-slavery
Commissioner

Guidance on Reasonable Steps

NSW Anti-slavery Commissioner's Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains

version 1.0, December 2023



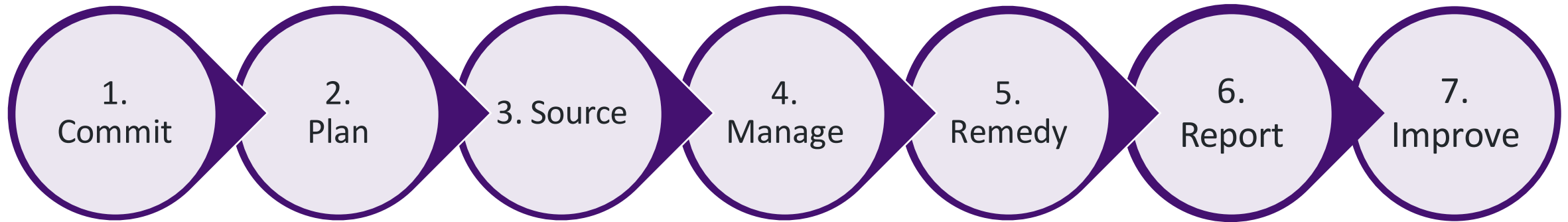
OFFICIAL

Scan the QR Code to access the GRS and follow along



OFFICIAL – NOT LEGAL ADVICE

Guidance on Reasonable Steps



For each Reasonable Step, the Guidance discusses:

- About this Part (an overview)
 - Data to collect and report
 - Discussion (of the Reasonable Step)
 - Considerations
 - Good Practice Examples
 - Hallmarks of Best Practice
 - Further Resources
-

Appendices

| | |
|--|-----|
| Appendices..... | 122 |
| Appendix A Glossary..... | 123 |
| Appendix B Key references and resources..... | 130 |
| Appendix C Oversight of modern slavery due diligence in NSW public procurement..... | 134 |
| NSW Procurement Board..... | 134 |
| Government agencies..... | 134 |
| Government Sector Finance agencies..... | 134 |
| State owned corporations..... | 135 |
| Councils, county councils and joint organisations within the meaning of the Local Government Act 1993 (NSW)..... | 135 |
| NSW Anti-slavery Commissioner..... | 135 |
| NSW Auditor-General..... | 136 |
| Appendix D Key international norms..... | 137 |
| Appendix E Which entities are covered?..... | 139 |
| Government agencies..... | 139 |
| Government Sector Finance agencies..... | 140 |
| State owned corporations..... | 142 |
| A council, county council or joint organisation within the meaning of the Local Government Act 1993 (NSW)..... | 143 |
| Appendix F Hallmarks of best practice due diligence..... | 145 |
| Appendix G What GRS Capability Level is your entity?..... | 147 |
| Appendix H GRS High Risk Product List..... | 149 |
| Appendix I GRS Model Tender Clauses..... | 150 |
| Appendix J GRS Model Contract Clauses..... | 158 |
| Appendix K GRS Annual Reporting Template..... | 172 |
| Report drafting instructions..... | 172 |
| Part A.General information..... | 172 |
| Part B.Narrative reporting..... | 173 |
| Part C.GRS Data Reporting Framework..... | 174 |
| Appendix L Heightened MSDD reporting template..... | 178 |
| Appendix M Good practice in identifying forced labour..... | 179 |
| Appendix N Speaking with victims of modern slavery..... | 181 |
| Appendix O Migrant Worker Standard..... | 182 |
| Appendix P Immediate forced labour remediation measures..... | 189 |

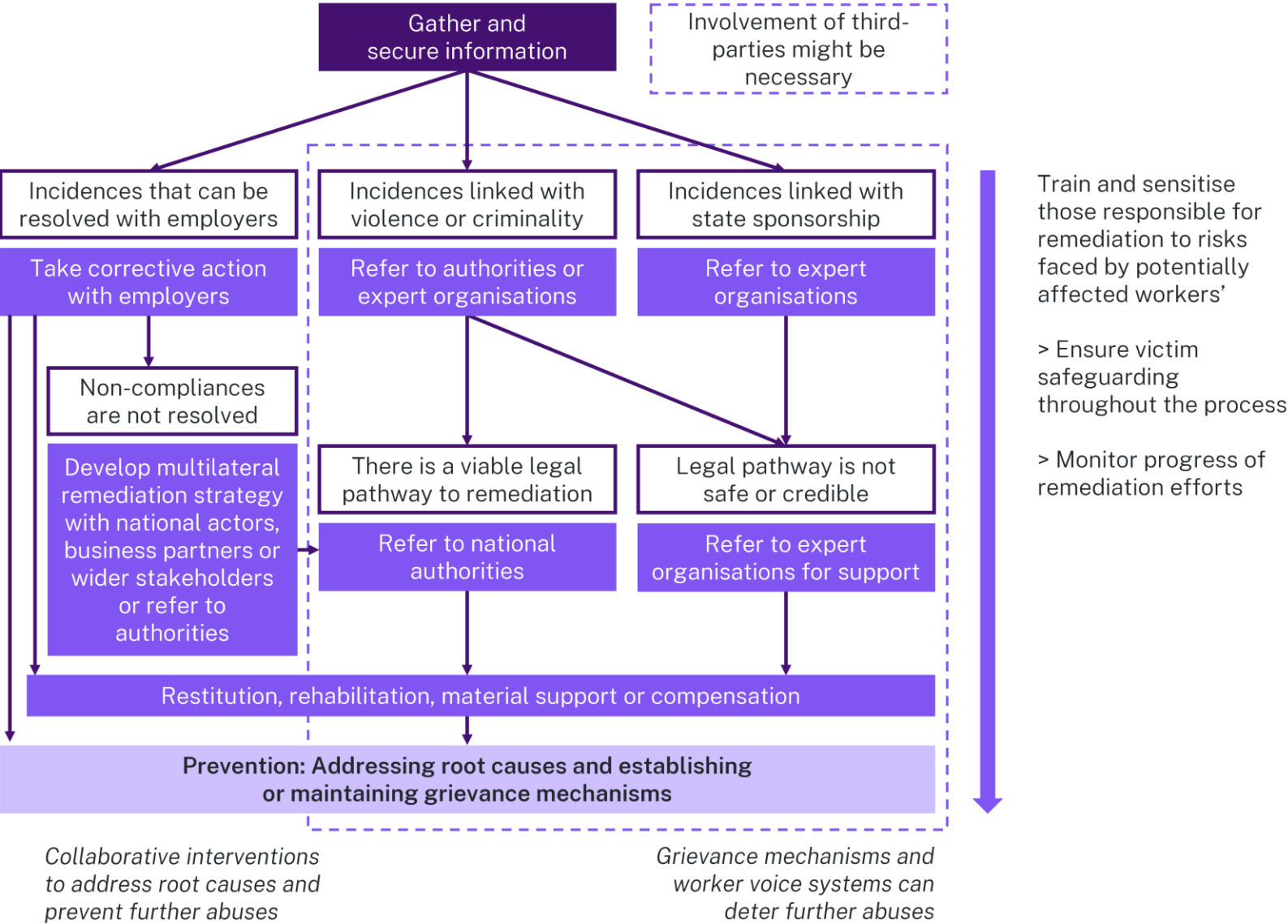
What level of diligence is due?

See [GRS Resource: GRS Due Diligence Levels](#) on the OASC Website

The Matrix below shows which level of diligence is due at each combination of GRS Inherent Modern Slavery Risk Level (for a given product) and GRS Capability Level (for a given buyer entity).

| | | | | |
|---|----------|------------|------------|------------|
| GRS Inherent Modern Slavery Risk Level | High | Heightened | Heightened | Heightened |
| | Moderate | Light | Standard | Standard |
| | Low | Minimal | Light | Standard |
| | Minor | Minimal | Minimal | Light |
| | | Low | Moderate | High |
| Entity's GRS Capability Level (for this kind of procurement or activity) | | | | |

Good Practice: Dealing with risks to victims from reporting





Model Contract Clauses

- ‘Shared Responsibility’ contracting model
- See **Appendix J** to the Guidance and/or refer to the GRS Model Tender Clauses on the OASC Website

[GRS Model Contract Clause – Heightened version: for procurements requiring Heightened modern slavery due diligence](#)

[GRS Model Contract Clause – Streamlined version: for procurements requiring Light, Minimal or Standard due diligence](#)



Model Tender Clauses

- New model tender clauses and schedule
- Based on overseas best practice, notably in UK Crown procurement
- Facilitate effective due diligence by the buyer on the tenderer
- See **Appendix I** to the Guidance and/or refer to the GRS Model Tender Clauses on the OASC Website

[GRS Model Tender Clause – Heightened version: for procurements requiring Heightened modern slavery due diligence](#)

[GRS Model Tender Clause – Streamlined version: for procurements requiring Light, Minimal or Standard due diligence](#)

Inherent Risk Identification Tool (IRIT)

Download the [Inherent Risk Identification Tool](#) from the OASC Website

- Simple-to-Use Risk Mapping Tool which identifies product categories with the greatest modern slavery risks
- Developed with support from the University of Sydney Business School
- Published in December 2023 and continues to evolving – already up to Version 1.1.2


| Modern Slavery Inherent Risk Identification Tool | | | | | | | | | |
|--|-------------------------------------|--------------------------------------|---|---|------------------------------------|-----------------------------|-----------------------|--------------------|--------------------|
| Risk assessment | PROCUREMENT CATEGORY Level 1 | PROCUREMENT CATEGORY Level 2 | PROCUREMENT CATEGORY Level 3 | Does your Reporting Entity procure from this category? (YES / NO) | INHERENT MODERN SLAVERY RISK LEVEL | Authoritative Determination | Vulnerable population | Supply Chain Model | Regulatory context |
| Initial Assessment Only | Exempt | Taxes | Taxes Non-Income Tax | | Minor | 0 | 0 | 0 | 0 |
| Link to 12 | Facilities and Buildings Management | Cleaning | Cleaning | | High | 0 | 1 | 1 | 1 |
| Link to 13 | Facilities and Buildings Management | Cleaning | Cleaning Supplies | | High | 3 | 1 | 1 | 1 |
| Initial Assessment Only | Facilities and Buildings Management | Electrical, Mechanical and Elevators | Automatic Doors | | Minor | 0 | 0 | 0 | 0 |
| Link to 01 | Facilities and Buildings Management | Electrical, Mechanical and Elevators | Electrical Services | | Low | 0 | 1 | 0 | 0 |
| Initial Assessment Only | Facilities and Buildings Management | Electrical, Mechanical and Elevators | Elevators and Escalators | | Minor | 0 | 0 | 0 | 0 |
| Link to 02 | Facilities and Buildings Management | Electrical, Mechanical and Elevators | Generators | | High | 0 | 1 | 1 | 1 |
| Link to 03 | Facilities and Buildings Management | Electrical, Mechanical and Elevators | Heating, Ventilation, Air Conditioning, HVAC | | Minor | 0 | 0 | 0 | 0 |
| Initial Assessment Only | Facilities and Buildings Management | Fire | Fire Equipment | | Minor | 0 | 0 | 0 | 0 |
| Initial Assessment Only | Facilities and Buildings Management | Fire | Fire Service and Maintenance | | Minor | 0 | 0 | 0 | 0 |
| Initial Assessment Only | Facilities and Buildings Management | Food, Water and Catering | Drinking Water | | Minor | 0 | 0 | 0 | 0 |
| Link to 14 | Facilities and Buildings Management | Food, Water and Catering | Food Catering and Consumables | | High | 3 | 1 | 1 | 1 |
| Initial Assessment Only | Facilities and Buildings Management | Grounds Maintenance and landscaping | Building and Grounds | | Minor | 0 | 0 | 0 | 0 |
| Initial Assessment Only | Facilities and Buildings Management | Grounds Maintenance and landscaping | Landscaping and Arborists | | Minor | 0 | 0 | 0 | 0 |
| Initial Assessment Only | Facilities and Buildings Management | Interior maintenance and decor | Indoor Plants, Flowers | | Minor | 0 | 0 | 0 | 0 |
| Link to 09 | Facilities and Buildings Management | Interior maintenance and decor | Interior decorating, reconfiguration and repair | | Moderate | 0 | 1 | 1 | 0 |



How the IRIT works

- Identifies inherent modern slavery risk at a category level
- Uses NSW Government WoG procurement taxonomy (as at December 2023)
- Assigns default risk scores for each category at 'Level 3' (as defined in the NSW Government WoG procurement taxonomy)

IRIT Procurement Category Risk Assessment 'Facilities and Buildings Management'

| Procurement Category Modern Slavery Risk Assessment | | Key | 14 |
|---|---|---|------|
| | | INHERENT MODERN SLAVERY RISK LEVEL | High |
| Procurement Categories | | Weighting and Commentary | |
| <p>Procurement categories are derived from the NSW Procurement Spend Cube Category Taxonomy as of November 2023. The risk assessment from each category is performed to Level 3.</p> <p>The 'Procurement Category Intersections' section provides a link to any other categories that intersect with this category.</p> <p>Level 4 procurement categories are for contextual purposes only.</p> <p><< Click the  symbol to HIDE the navigation guides.</p> | | <p>When a modern slavery risk factor is 'triggered' (i.e. present), it is assigned a weight. Please refer to the 'IRIT Guidance' tab for further explanation. The 'Sources >>' text contains hyperlinks to the sources identifying risk.</p> <p>The commentary provides an explanation of triggered risk factors. Labels are included in the commentary that link to each risk factor if the risk is triggered.</p> | |
| Procurement Category | | Weighting | |
| PC Level 1 | Facilities and Buildings Management | Product (Authoritative Determinations) | 3 |
| PC Level 2 | Food, Water and Catering | Vulnerable Populations | 1 |
| PC Level 3 | Food Catering and Consumables | Supply Chain Model | 1 |
| Procurement Category Intersections | | Regulatory Context | 1 |
| | | | |
| | | | |
| | | | |
| Level 4 Procurement Categories - for contextual purposes only | | Commentary | |
| PC Level 1 | Facilities and Buildings Management | [General] The inherent risk of modern slavery in this category relates to a range of food items, such as tea, coffee, chocolate (cocoa), agricultural products, including citrus and berries, meat, and fish. It also pertains to the delivery of hospitality services, such as catering and food service. | |
| PC Level 2 | Food, Water and Catering | [Authoritative Determinations] Child and forced labour have been identified in the production of tea and coffee in Central and South America, as well as in regions of Africa, including sub-Saharan Africa. | |
| PC Level 3 | Food Catering and Consumables | [Vulnerable Populations] Tea, coffee, and cocoa: There is evidence of use of forced and child migrant labour in the production of tea, coffee, and cocoa. Fish: The global fisheries industry faces issues such as human trafficking of migrants and forced labour. Meat processing and horticulture: In Australia, the horticulture and meat processing industries heavily rely on temporary migrant labour, such as working holidaymakers, international students, and temporary labour schemes. Hospitality: The hospitality industry in Australia relies on temporary migrant workers, including working holidaymakers and students, who are vulnerable to underpayment of wages. | |
| PC Level 4 | Catering Services | | |
| | Coffee and tea | | |
| | Beverages | | |
| | Banquet facilities | | |
| | On site cafeteria management | | |
| | Construction or work site catering services | | |
| | Food service dinnerware | | |
| | Food service cups or mugs | | |
| | Food service tray transport or storage carts or racks | | |
| | Food service or meal delivery cart | | |

IRIT Procurement Category Risk Assessment

'Facilities and Buildings Management'

Authoritative Determinations and Import Data

Authoritative Determinations: This section comprises a list of goods and their source countries where there has been an authoritative determination by a governmental or inter-governmental body that there is reason to believe that goods are produced by modern slavery. Applicable goods are listed in the 'Goods' column, with a 'Yes' placed in the 'Forced Labour' and 'Child Labour' columns where such occurrences have been identified. For further explanation on this risk category, please refer to the 'Authoritative Determinations' tab. If these columns remain blank, no risk has been identified in this risk category, and the listed countries are there only to support the display of import data, not because there is any indication of the presence of modern slavery in the production or distribution of the category, in that country.

Import Data: Where applicable, goods import data is included as a guide to represent the value of imports within the category. It shows the top 90% of imports in USD as reported by Australia for the year 2022. The most relevant Standard International Trade Classification (SITC) codes are used to extract data for the category from the United Nations Comtrade database. For diverse categories, consolidated import data may encompass a variety of different products and may not be exhaustive.

| | | Authoritative Determinations | | | Import Data | |
|----------|----------------------------------|---|--------------|---------------|-----------------|-------------|
| | | US Department of Labor TVPRA List 2022 (Link) | | | Comtrade (Link) | SITC (Link) |
| ISO Code | Origin | Good(s) | Child Labour | Forced Labour | Imports USD | SITC Rev 4 |
| AUS | Australia | | | | | |
| BRA | Brazil | Coffee | Yes | Yes | 136,119,192 | |
| CIV | Côte d'Ivoire | Coffee | Yes | Yes | - | |
| COL | Colombia | Coffee | Yes | | 70,905,052 | |
| CRI | Costa Rica | Coffee | Yes | | 7,338,147 | |
| DOM | Dominican Republic (the) | Coffee | Yes | | - | |
| GIN | Guinea | Coffee | Yes | | - | |
| GTM | Guatemala | Coffee | Yes | | 13,346,303 | |
| HND | Honduras | Coffee | Yes | | 44,407,609 | |
| IND | India | Tea | | Yes | 43,241,876 | |
| KEN | Kenya | Coffee - Tea | Yes | | 13,370,448 | |
| MEX | Mexico | Coffee | Yes | | 9,000,546 | |
| MWI | Malawi | Tea | Yes | | - | |
| NIC | Nicaragua | Coffee | Yes | | 13,300,861 | |
| PAN | Panama | Coffee | Yes | | 1,129,541 | |
| RWA | Rwanda | Tea | Yes | | 1,825,057 | |
| SLE | Sierra Leone | Coffee | Yes | | 23,000 | |
| SLV | El Salvador | Coffee | Yes | | 5,931,695 | |
| TZA | Tanzania, the United Republic of | Coffee - Tea | Yes | | 4,496,949 | |
| UGA | Uganda | Coffee - Tea | Yes | | 4,364,102 | |
| VNM | Viet Nam | Coffee - Tea | Yes | | 58,343,592 | |
| CHE | Switzerland | | | | 104,843,643 | |
| NLD | Netherlands (Kingdom of the) | | | | 94,701,636 | |
| DEU | Germany | | | | 56,442,811 | |
| PNG | Papua New Guinea | | | | 38,400,058 | |
| ITA | Italy | | | | 36,405,657 | |
| ETH | Ethiopia | | | | 29,644,961 | |
| IDN | Indonesia | | | | 27,103,680 | |
| FRA | France | | | | 24,603,195 | |
| LKA | Sri Lanka | | | | 24,178,270 | |
| ARE | United Arab Emirates (the) | | | | 21,471,781 | |
| POL | Poland | | | | 19,789,201 | |
| THA | Thailand | | | | 18,569,881 | |
| CHN | China | | | | 16,582,213 | |
| PER | Peru | | | | 15,151,982 | |

071,074
(tea and coffee)

Vulnerable Populations

Sources identifying inherent modern slavery risks to vulnerable populations are shown in this section. Each source is named and hyperlinked, and brief comments are provided as to what information details the risk. For further information on this risk category see the 'Vulnerable Populations' tab.

| Vulnerable Populations | | |
|--|---|--|
| Sources | Links | Key information and/or arguments |
| Countries Where Coffee is Reportedly Produced with Forced Labor and/or Child Labor | https://verite.org/project/coffee-3/ | Forced and child labour have been identified in coffee-producing centres in Central and South America, as well as parts of Africa. Smallholder farms rely on family labour, including children, and in larger plantations children often work alongside their parents. |
| Countries Where Tea is Reportedly Produced with Forced Labor and/or Child Labor | https://verite.org/project/tea-3/ | Ethnic Indian families, including internal migrants, who work in the tea industry in Bangladesh and India face forced labour conditions characterised by high quotas and wage deductions. Debt bondage can occur through loans from workers to employers, often involving child labour to meet these quotas. Sub-Saharan African tea-producing countries also have with problems such as poor working conditions, child labour, and dependency on migrant workers. |
| Global Slavery Index / Spotlight Forced Labour: Chocolate's Hidden Ingredient | https://www.walkfree.org/global-slavery-index/findings/spotlights/chocolates-hidden-ingredient/ | Child and forced labour in the cocoa industry are primarily driven by widespread poverty, low cocoa prices, limited education opportunities, and small profits for farmers. This leads to the recruitment of vulnerable workers including children and migrants often through coercion or debt bondage, to meet demand and improve profitability. |
| Victorian Inquiry into the Labour Hire Industry and Insecure Work. | https://www.aph.gov.au/DocumentStore.ashx?id=e9a344aab-e560-472d-9db0-b51d36daeb7a&subId=463454 | A high number of working holiday makers are employed in the meat processing industry. There is evidence of mistreatment, wage deductions, lack of safety, and underpayment of wages. Discusses issues similar to those identified in NSW by the Anti-slavery Commissioner, through field and site visits, and direct engagement with the temporary migrant workforce. |
| Forced labour and human trafficking in fisheries | https://www.ilo.org/global/topics/forced-labour/policy-areas/fisheries/lang-en/index.htm | Forced labour and human trafficking in the fisheries sector are severe issues, especially affecting migrant workers who are often deceived, coerced, and forced to work on fishing vessels under threats and debt bondage. This activity has also been linked to transnational organised fisheries crime. |
| Towards a Durable Future: Tackling Labour Challenges in the Australian Horticulture Industry | https://www.researchgate.net/publication/331586106_Towards_a_Durable_Future_Tackling_Labour_Challenges_in_the_Australian_Horticulture_Industry_-_REPORT | The horticulture industry in Australia relies on temporary migrant labour. The types of visas workers hold include: working holidaymakers, temporary visa workers under the Pacific Assisted Labour Mobility (PALM) scheme, and international students. In addition, undocumented migrants are known to work in the industry. |



Public Register

- Required under s 26 of the Modern Slavery Act 2018 (NSW)
- Will identify non-conforming entities, and any other information the Commissioner thinks appropriate
- Register is currently empty and will be published in 2024
- Commissioner's approach will be to support covered entities in early years of implementation

4

Reporting and Implementation





Reporting

- Guidance sets out what data to collect and report on for each 'reasonable step'
- OASC will request sharing of reporting directly with OASC, in line with our statutory mandate
- OASC is developing an analytic and feedback capability to assist reporting entities upskill



Implementation

- Guidance in effect from 01 January 2024
- Does not formally apply to activities prior to that date but can be used as inspiration for reporting
- No expectation of immediate and complete implementation – we anticipate a process of risk-based improvement, innovation and collaboration
- OASC will provide education and training for reporting entities for years ahead
- We will be convening collaborative learning opportunities, including the NSW Anti-slavery Forum on 21/22 May 2024 (Day 2: Fostering Responsible Commercial Conduct)



Implementation

3x areas to focus on:

1. Follow the Risk – transactions where heightened modern slavery diligence is due
2. Reasonable Step 1 – Commit
3. OASC Monitoring Focus Areas:
 - 2024: ICT, renewables, cleaning services
 - 2025: add Domestic Agriculture
 - 2026: add Construction

5

Towards a Modern Slavery Code of Practice for Renewables





Code of Practice

- Commissioner may develop codes of practice under s 27 of the *Modern Slavery Act 2018* (NSW)
- The Guidance may refer to CoPs in relation to the management of modern slavery risk in specific supply chains



Code of Practice



- Commissioner is partnering with the Clean Energy Council to develop a Code of Practice for renewable energy value chains

[Discussion Paper #004: A Code of Practice on managing modern slavery risks in renewable energy value-chains](#)

- Opportunity to provide feedback through a transparent consultation process
- Process of drafting and consultation through to mid-2024



What does this mean for the Infrastructure Industry?

- Strengthened focus on modern slavery due diligence and remediation for businesses tendering and contracting with NSW Government
- Open-source resources will provide practical guidance and encourage business to align modern slavery responses with public buyer obligations
- Peer learning and collective leverage
- Find additional [GRS Resources](#) on the Commissioner's Webpage



Office of the
Anti-slavery
Commissioner

Thanks

W: dcj.nsw.info/antislaverycommissioner

E: GRS@dcj.nsw.gov.au

facebook.com/OASCNSW

LinkedIn:

[Office of the NSW Anti-slavery Commissioner](#)

scan the QR Code to
sign-up to the Due
Diligence News &
Resources





||

Q&A



Closing Remarks

Dr Kerry Griffiths, IS Technical Director,
Infrastructure Sustainability Council