

Managing the Risk of Slavery in the Workplace

INTRODUCTION

This factsheet has been prepared to provide guidance to all employees and other persons who may act for the Company such as agents, consultants and temporary workers and companies within the Company's supply chain on the practical arrangements introduced by the Company to ensure compliance with the Modern Slavery Act 2015 that was made effective from 29th October 2015.

The factsheet aims to raise awareness among all employees and other persons working on behalf of or with the Company of the risk of modern slavery at work and to provide information on what steps the organisation has put in place to reduce the risk of slavery occurring either in the workplace or the supply chain. It also aims to communicate the Company's policy on anti-slavery and give practical advice on what should be done where an employee (or other relevant person) is either exposed to slavery, or suspects slavery is occurring in the workplace or in the supply chain.

COMPANY POLICY

The Company is committed to the prevention of forced labour, human trafficking and related forms of modern slavery. The Company strictly forbids any employee, consultant, agency worker, agent or any other person connected with its business from participating in slavery and only works with companies who operate ethically and comply with social and human rights criteria. The Company positively encourages employees, agency workers, agents, consultants and any other person working on behalf of or with the Company to immediately report any instance where they are either exposed to slavery, or suspect slavery is occurring in the workplace or in the supply chain.

The Company Code of Conduct and specific guidance on due diligence processes which apply to employees, suppliers, sub-contractors and other business partners is given below.

The Company is committed to legal compliance, ethical standards and fundamental human rights as described in the ILO's international law on forced labour such as the Abolition of Forced Labour Convention (C105) and Worst Forms of Child Labour Convention (C182) and is committed to supporting any person representing the Company, to avoid slavery.

The Company person with specific responsibility for anti-slavery responsibilities and procedures is the Managing Director. The Company is committed to putting in place appropriate measures where there is a risk of slavery in the workplace or the supply chain and to the monitoring/reviewing of the effectiveness of such measures on a regular basis.

Any employee found to be committing an offence under the Modern Slavery Act 2015 will be subject to disciplinary proceedings. The Company has defined the infringement of human rights as "Gross Misconduct", which if found against an employee would result in dismissal for a first offence. In

addition, an employee is likely to also face criminal proceedings/charges.

Non-employed individuals or organisations found to engage in forced labour, trafficking or slavery will be removed from the list of approved suppliers immediately and may also face criminal proceedings/charges.

The Company will not hesitate to make the appropriate external authorities aware of any suspected human rights abuse which may arise from one or more of the following five offences under the Modern Slavery Act.

What the Modern Slavery Act covers – the five offences

Under the Modern Slavery Act there are five specific definitions of offences which are in contravention of basic human rights and which a Company and/or individual can be prosecuted, in most countries around the world.

1. Modern Slavery

The deprivation of one person by another of their liberty in order to exploit them for personal or commercial gain.

2. Forced Labour

A person who enters work or service against their freedom of choice and cannot leave without penalty or the threat of penalty e.g. physical punishment or constraint, loss of rights or privileges, retention of identity paper or threats of denunciation to immigration authorities.

3. Trafficking in Persons

The act of recruitment, transportation, transfer, harbouring or receipt of a person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

4. Bonded Labour

Also known as debt-induced forced labour and debt bondage. This involves the taking of a loan or an advance of wages by a worker from an employer or labour recruiter in return for which the worker pledges his or her labour and sometimes that of family members to pay back the loan. Debts may be passed onto the next generation.

5. Failure to prevent slavery

A "corporate" offence which occurs when an organisation fails to stop people who are operating on its behalf from being involved in slavery.

WHO THE MODERN SLAVERY ACT COVERS

Under the "corporate" offence, an organisation can be prosecuted if it is unable to show it had "adequate procedures" in place to minimise the risk of slavery occurring. Liability under the "corporate offence" can therefore be triggered where not only an employee is involved in an act of slavery, but also any other "person associated with the organisation". This will for example, include, consultants, agents, agency workers

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and subsidiaries. The implication is that it widens significantly the scope for an employer to be prosecuted for the actions of its employees and business partners, unless of course it can show it has adequate procedures/measures in place to prevent slavery. The UN Guiding Principles on Business and Human Rights (UNGP) provide a clear framework that is endorsed by the UN Human Rights Council and are widely accepted by the business community, trade unions, civil society and governments around the world.

The Guiding Principles are founded on three pillars:

1. Protect

States have a duty to protect, promote and support human rights.

2. Respect

Companies have a responsibility to respect human rights and “do no harm”.

3. Remedy

Both must ensure that victims of business-related abuses have access to effective remedy.

Six Steps for implementing the UN Guiding Principles:

The Company are drawing on the UN Guiding Principles approach and taking six steps to tackle forced labour, human trafficking and modern slavery in the Company’s workplace or in our supply chains:

1. Commit

- Make a public commitment to respect Human Rights.
- Identify a Board Director (or equivalent) with overall responsibility for addressing human rights risks within the business and supply chain. The person with responsibility in this organisation is the Managing Director.
- Form a strategic level working group comprised of the appointed Human Rights Director and senior functional managers.
- Decide the scope of the business’s human rights impact and define the business’s vision for tackling modern slavery.

2. Assess

- Understand modern slavery risks in supply chain by assessing and identifying where the greatest risks of slavery occur in the supply chain.
- Whilst slavery and human trafficking may occur in practically all industries and levels of supply chains the most serious human rights impacts are more likely to occur where activities are sub-contracted out to suppliers and agents at very low cost and where the law is weak or not properly enforced. Developed economies have found forced labour in a wide range of sectors where vulnerable and migrant workers are employed.
- Mapping the business supply chain will identify where the risks of slavery and human trafficking are greatest and also where there is a lack of information about the business’s direct and indirect suppliers.

3. Act

- Develop an action plan to either reduce the risks of slavery occurring or to tackle cases of slavery where they are identified.
- A business which has assessed their supply chain understands their risks and has assessed those risks in detail before taking corrective actions to address any issues identified as well as to prevent future issues occurring.
- The actions the business takes should focus on working with high and medium risk suppliers whilst continuing to engage low risk suppliers.
- The business should explore targeted collaborations with government, trade unions, industry bodies and/or civil society groups when addressing systemic issues in order to minimise any gaps and reduce the likelihood of future risks.

4. Remedy

Provide a solution for victims of slavery and human trafficking through remedial measures which include:

- **Restitution** through judicial or other methods to restore the victim to the original situation before the abuses occurred.
- **Compensation** by providing financial or non-financial compensation that is appropriate and proportionate to the gravity of the violation, including physical and mental harm, consideration of lost opportunities e.g. employment (loss of earnings) and benefits, if relevant.
- **Rehabilitation** including offering victims medical, physiological and psychological care, where relevant, access to legal and social services and retraining and reintegration into the labour market and community.
- **Satisfaction and guarantee of non-repetition** by issuing a public apology from the business or its supplier may be required to acknowledge the violation and accept responsibility. Businesses should also identify the steps required to prevent future violations, possibly with an analysis of root causes.

5. Monitor

- Monitor progress towards agreed improvement measures regularly to reinforce the business commitment to improving standards in the supply chain.
- Consider tracking efforts, using tools and indicators that are already used to manage suppliers, including complaints and feedback systems.

6. Communicate

- Communicate openly to stakeholders about progress made and the challenges faced.
- Identify what information to share and how to share it with internal and external stakeholders.
- General principles to apply include:
 - keeping information as up to date as possible;
 - communicating via appropriate channels;
 - focussing on actual activities and their impact;

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- being open about challenges and efforts to address the challenges;
- using real voices to provide authenticity; and
- not compromising or posing a risk to affected stakeholders e.g. workers, suppliers and local communities.

For many organisations, these measures should be enough to minimise the risk of and tackle modern slavery as businesses may be regarded as responsible in whole or in part for modern slavery in their supply chain, regardless of their size, location or type of business.

Where an organisation, following a risk assessment process has identified **“no risk”**, no additional action is required although the employee handbook will provide relevant information on slavery in the workplace to increase awareness among staff.

Where an organisation has identified a **“low”** risk, the following action(s) will be put in place, in addition to any specific actions identified through the risk assessment questionnaire.

- All relevant employees, agents, consultants, etc, must be issued with a copy of this factsheet, including new joiners and asked to confirm that they have read it and agree to comply with its content.

Where an organisation has identified a **“medium”** risk, the following additional action(s) will be put in place, in addition to any specific actions identified through the risk assessment questionnaire.

- All relevant employees, agents, consultants etc will be asked to complete a **“self-declaration”** questionnaire.

Where an organisation has identified a **“high”** risk, in addition to the measures stated previously, special actions will need to be implemented. Further guidance should be sought from the person identified with overall responsibility for anti-slavery measures.

In line with good business practice, the following measures should be adopted by all organisations, irrespective of risk level.

DUE DILIGENCE - PRE-EMPLOYMENT CHECKING (all new employees)

The HR function will continue to undertake employment checks, including references, proof of identity and any other pre-employment checks considered necessary for new employees.

DUE DILIGENCE – ALL NEW BUSINESS PARTNERS (non-employees)

Managers responsible for hiring agents, consultants and other business partners should ensure that appropriate checks are undertaken in line with good business practice.

Specific advice should be sought from the person nominated with responsibility for anti-corruption where business partners are engaged in a market identified as high risk.

OTHER THINGS YOU NEED TO KNOW

Third Party Labour Exploitation

Hidden third party labour exploitation occurs within all types of business, including decent and responsible organisations. Some recruitment, labour supply or supervisory models permit such exploitation to flourish:

- **The “helpful” entrepreneur** usually speaks good English and is well connected in a local community of migrant workers. May position themselves as the migrant worker’s friend or good Samaritan. May escort workers to the labour provider and/or employers’ place of work, describes themselves as a friend or relative, often to act as a useful interpreter looking to help his fellow countrymen find work. This individual is actually operating in the capacity of employment agent or gangmaster and is consequently subject to the relevant UK legislation. Where this individual is acting in this capacity with the knowledge of the labour provider or employer, they too are subject to the relevant legislation.
- **The “piggy back” scam** is where an individual lifts an employer’s or labour provider’s logo from their website and mocks up job adverts and offer letters passing themselves off as acting on behalf of that business. The fraudster posts these adverts on websites and elsewhere. Jobseekers are dealt with remotely by phone and email but do not actually meet the scammer. Jobseekers pay up front fees for fraudulent work finding services, transport and related costs. On arrival the victim is told there is not work, and the company has no knowledge of the person they have dealt with.
- **Charging recruitment fees** by a labour provider or employer who may use the services of a labour sourcing agency to source or supply workers to work under contract with the labour provider or employer. Recruitment fees are a business cost not a cost for the jobseeker. Where a labour provider or employer uses the service of a labour sourcing agency, sufficient fees should be paid to the agency for there to be a sustainable business model. International Labour Organisation Convention 181 Article 7 (1) states that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers or jobseekers. In the UK it is contrary to recruitment law to charge a fee to a worker for any work-finding service or make providing work-finding services conditional on the worker using other services or hiring or purchasing goods.

In Work Exploitation

Operating without the explicit knowledge of their managers, a rogue employer supervisor, worker or labour provider consultant may be working alone or colluding with

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others in association with an external gang to exploit workers for personal gain:

- **The Employer Supervisor** has the power to dictate which agency or casual workers get work, get overtime or get transferred from temporary to permanent status. Agency or casual workers can be required to pay cash bribes or kickbacks from wages. The supervisor ensures that he remains close to these workers if anyone in authority attempts to speak to the workers.
- **The Labour Provider Consultant** has the power to dictate which agency workers get work each shift, get sidelined or terminated, get better paid or more regular jobs. May be able to fraudulently amend timesheets to add hours or ghost workers. May implement a regular turnover of workers where an upfront bribe for work is used. May require a bribe for guaranteeing work next season.
- **Worker at Labour Provider or Employer** as an individual with good English language skills may be seen as an asset and used as an unofficial translator and organiser. This individual may claim special connection with labour provider or employer managers and claims to, or actually has, the authority to organise work for fellow workers. May be a minibus driver who has the power to choose who gets on the bus to work and who does not. May have “friends and relatives” who s/he is able to introduce for work.

Accommodation Based Exploitation

- **Labour Provider Consultant/Employer Supervisor controlled** where access to work may be made dependent on using a connected persons’ accommodation with threats of no work if the worker leaves the accommodation and eviction if the worker leaves the job. May charge for accommodation at levels higher than the amount earned and reduce the workers hours as part of this process to create a debt relationship.
- **The Rogue Landlord** may provide accommodation free of charge on the basis of “pay me when you can or when you are working”. This arrangement will immediately put the worker into debt and allow the landlord to apply uncontrolled interest rates and trap the tenants within that arrangement. Accommodation may be unhygienic, unsafe, unlicensed and overcrowded. There will be no licence or tenancy agreement in place. Through intimidation and force they apply prohibitive interest rates. There may be threat of violence or other detriment if they leave the accommodation.

Organised Criminal Gangs and Exploiters

Organised criminal gangs and exploitative individual’s business model is based on:

- Recruiting their team of “workers”;

- Establishing control, dependency and entrapment over these individuals through the methods explained in the previous section;
- Forcing them to apply and work for employers and labour providers without these organisations knowing that the workers are being controlled;
- Retaining their victim’s wages and exploiting whatever other opportunities there are to maximise revenue from these workers such as fraudulent claims for benefits and tax credits, bank loans and credit cards;
- Establishing surveillance and monitoring systems to highlight where their activities may be exposed;
- Rapidly moving workers where there is the potential of exposure;
- A security that they are unlikely to be caught, and the penalties if so are relatively minor.

SPOTTING THE SIGNS OF EXPLOITATION VICTIMS

There are no set number of signs that will indicate that a person is a victim of trafficking or subject to forced labour. Some may be more prevalent than others and each case should be considered on an individual basis. The following are indicators of exploitation and should be considered within the context of the other evidence.

Physical Appearance: Exploited applicants and workers may show signs of physical or psychological abuse and/or appear:
malnourished;
dirty;
frightened, withdrawn and confused; and
they may have injuries that seem to be the result of an assault.

Few or No Personal Effects: Exploited workers may have:
no money;
no personal items e.g. purse, wallet, jewellery;
with limited or no money to buy clothes, they may wear the same items all the time;
they may also have little or no food.

Isolation and Control: Exploited workers are rarely left to be on their own and may seem under the control and influence of others:

- others present their identification documents and speak for them at recruitment;
- others try to book them onto shifts or speak on their behalf when answering calls whether they are available to work or not;
- one person speaks on behalf of a number of workers and the victims look to them for support or permission; or
- are taken to work and back e.g. a driver may drop them off and collect them.

Reluctant to Seek Help: Exploited workers may be reluctant to seek help and may:

- avoid eye contact and appear frightened;
- be afraid to talk and reject help when offered, this is often because they do not know who to trust or fear retribution.

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What you should do if you discover potential serious worker exploitation.

If you suspect forced labour you should immediately advise the person responsible for anti-slavery measures in the work place under the Company's "Raising a Concern" procedure, contained in the employee handbook. You should not advise your immediate manager until you have spoken to the person identified with responsibility for anti-slavery.

What you should do if you suspect an act of worker exploitation has been or is being committed.

If you suspect another employee, agent, consultant or other business partner of the organisation is exploiting a worker or workers, you should immediately notify the person identified as having responsibility for anti-slavery measures. You should not advise your immediate manager until you have spoken to the person identified with responsibility for anti-slavery.

Review of Anti-Corruption Measures

The Company will undertake a periodic review of its anti-slavery measures. Where an organisation commences business in a new market, the manager should ensure that a risk assessment is undertaken to establish whether any additional measures should be taken, before commencing business in the new market.

Further information

Information can be obtained from the following sources.

A copy of the **Government's guidance on the Transparency in Supply Chains** can be downloaded from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471996/Transparency_in_Supply_Chains_etc__A_practical_guide__final_.pdf.

Modern Slavery Helpline

The UK Government also provides a 24-hour modern slavery helpline that victims, employers and members of the public who may encounter modern slavery can call for expert support and advice:

Telephone: 0800 0121 700