Establishing Modern Slavery Remediation Processes

1 February 2024

Version 1.1

|  |  |
| --- | --- |
| Author | Finance Risk & Governance |
| Approval | Executive Director of Finance, Risk & Governance |
| Version | 1.1 |
| Implementation | April 2023 |
| Review | April 2025 |

Contents

[1. Introduction 4](#_Toc158379787)

[2. Steps for establishing modern slavery remediation processes 4](#_Toc158379788)

[3. Guidance on creating a complaints process or updating associated policies 5](#_Toc158379789)

[4. How do I respond to a case of modern slavery? 5](#_Toc158379790)

[5. Disclaimer 7](#_Toc158379791)

1. Introduction
	1. The Modern Slavery Act 2018 (Cth) (the Act) requires reporting entities to describe the remediation processes they have in place to address situations in which they may have caused, contributed to or been directly linked to modern slavery practices.
	2. Grievance mechanisms for those potentially impacted by the reporting entity’s activities can be one effective means of enabling remediation.
	3. The Act does not require that reporting entities have a remediation process focused just on modern slavery and it is likely more efficient to incorporate the modern slavery remediation process into existing processes, for example:
		1. existing remediation or dispute resolution provisions in supplier agreements
		2. complaints handling procedures.
	4. A high-level remediation process, along with important considerations for implementation, is provided on the next page. This process focuses on instances of modern slavery that the health service may be linked to due to a business relationship, however, this can be expanded in future reporting periods to include situations where the health service has either caused or contributed to modern slavery practices.
2. Steps for establishing modern slavery remediation processes

|  |  |  |
| --- | --- | --- |
| 1. **Establish mechanisms to identify modern slavery practices**
 | 1. **Assess and investigate the practice**
 | 1. **Remediate the effects of the practice**
 |
| **Possible mechanisms*** Supplier due diligence
* Regular monitoring of media reports
* Update complaints process to include Modern Slavery
* Complaints process provided on the health service's external website
* Supplier self-reporting
 | **Activities*** Consult with affected parties, if possible
* Assess the scope and severity of the harm
* Identify who is responsible for the harm
* Develop an action plan
* Engage relevant stakeholders for information
 | **Activities*** Implement corrective and preventative measures with suppliers
* Initiate remedial actions
* Evaluate outcome
 |
| **Considerations*** External facing mechanisms need to be easily accessible and maintain confidentiality
* Transparency is key - information on the process should be easily accessible, including:
* The procedure that will be followed
* Time frames for each stage of the procedure
* Time frames for communication
 | **Considerations*** Determine internal notification process - who in the health service has overall accountability for the process?
* Agree on timeframes for management
 | **Considerations*** How will the health service use its leverage to work with the entity that caused the harm to prevent or mitigate the harm and its recurrence?
* In what situations might the business relationship be terminated due to alleged modern slavery practices?
* How will the health service assess if the agreed actions have been implemented?
* How will the health service conduct ongoing monitoring?
* How will the health service implement learnings from the process into its Modern Slavery Risk Assessment?
 |

1. Guidance on creating a complaints process or updating associated policies
	1. The following wording has been created to support health services in updating their protected disclosure / whistle-blower or complaint policies to include modern slavery grievances.
	2. For health services that may not have an existing complaints process, or for those wanting to review an existing one, you can refer to [HSV’s guide to complaint management](https://healthsharevic.org.au/assets/HSV-Purchasing-Policies-November-2022/Resources/HSV-PP-1.-Governance-Resources/Guide-to-Complaints-Management.pdf) to assist you in developing an effective complaint management process.
	3. The following considerations for responding to an alleged case of modern slavery have been taken from Appendix 3 of Commonwealth Modern Slavery Act 2018 – Guidance for Reporting Entities[[1]](#footnote-2). These considerations should be assessed when looking at creating or amending your existing policies and provide valuable insight into managing reports of suspected cases and complaints related to modern slavery.
2. How do I respond to a case of modern slavery?[[2]](#footnote-3)
	1. As you work to assess and address your entity’s modern slavery risks, you may identify suspected situations of modern slavery in your operations or supply chains. This appendix sets out key recommendations to help guide your response.
	2. You will be able to respond more effectively if your entity has a pre-agreed process or policy in place to guide your actions. If your entity does not have an existing policy or process setting out how to respond to a situation of modern slavery (or other human rights impacts) you should develop one as part of the process of preparing your statement.
	3. You may also be able to respond more effectively to modern slavery situations if you are able to engage directly with key stakeholders who understand the local operating context, such as NGOs, other civil society groups and workers and their representatives. Building trusted relationships with these stakeholders in advance can help ensure you are able to respond appropriately if modern slavery is identified.

### Do not attempt to resolve the situation by yourself.

Trying to deal with the situation without support from other areas of your entity, governments or trusted partners may lead to further harm to the victim or victims.

### Ensure your actions are always in the best interests of the suspected victim or victims.

This means you should take steps to prevent further harm and achieve the best possible outcome for the victim or victims. For example, immediately removing workers from an exploitative situation without appropriate support may lead to unintended negative consequences, including their deportation, re-exploitation, blacklisting by employers and/or violence from creditors.

### Consider if further action is required to verify if modern slavery is occurring.

For example, if allegations of modern slavery are made through unsubstantiated media reporting you may need to check whether these reports are correct. You should ensure any actions you take do not alert the suspected offenders or result in any unintended consequences for the affected worker or workers.

### Consider whether and how to involve law enforcement.

Modern slavery involves serious crimes and severe harm to victims. In Australia, you should report any suspected situations of modern slavery to the Australian Federal Police. If someone is at risk of immediate harm call Triple Zero (000). This will ensure the situation is properly investigated, any victims are identified and protected and that the perpetrators are held to account.

### Respond in a way that is appropriate to the circumstances of the situation.

Every situation of modern slavery will be different and it is important you respond in the way that is most appropriate for each case. For example, your response will vary depending on whether the affected entity was unaware that modern slavery was occurring in part of their operations and supply chains or was instead deliberately engaging in modern slavery.

### Recognise that you may not be aware of all the victims involved or the extent of the exploitation.

You should be careful that any actions you take do not have unintended consequences for other victims you are not aware of. For example, a contractor using forced labour on your farm may also be exploiting workers at other farms.

### Address the harm caused.

If you identify that your entity has caused or contributed to the exploitation you should provide for, or cooperate in, the remediation of that harm. If you are directly linked to the exploitation by a business relationship you may play a role in remediation and should use your leverage to work with the entity that caused the harm to prevent or mitigate its recurrence.

### Consider how you may be able to address underlying structural factors that contribute to exploitation.

When responding to situations of modern slavery, it is important that you consider how you may be able to address any underlying structural factors that can enable situations of modern slavery. For example, your entity’s own purchasing practices may contribute to a supplier’s decision to use forced labour.

### Carefully consider the consequences of ending your relationship with the affected entity.

If the situation of modern slavery has occurred in the operations of one of your suppliers or other business partners, you should usually avoid immediately ending the business relationship. Generally, you should only consider ending the relationship if the affected entity refuses to address the issue and there is no real prospect of change. You should also make sure you consider and address any negative impacts that may result from ending the relationship. For example, ending the relationship could have negative flow on impacts for other workers in the supply chain who may find themselves unable to access any income and at risk of further exploitation.

### Consider opportunities to collaborate with international/ local organisations or civil society groups.

Reputable international and local organisations and civil society groups may be able to assist you by providing an ‘on the ground perspective’ and providing advice about the most appropriate way to respond in a given location or context.

1. Disclaimer

The information presented in this document is general in nature and based on HealthShare Victoria’s interpretation of the Modern Slavery Act 2018 (Cth) and any ancillary legislation and regulations in effect at the time and should not be relied upon as legal advice. Please consider seeking professional and independent advice from your legal representative as to the applicability and suitability of this information and the legislation to your own business needs or circumstances.

1. <https://modernslaveryregister.gov.au/resources/Commonwealth_Modern_Slavery_Act_Guidance_for_Reporting_Entities.pdf> [↑](#footnote-ref-2)
2. Appendix 3 - Commonwealth Modern Slavery Act 2018 – Guidance for Reporting Entities [↑](#footnote-ref-3)