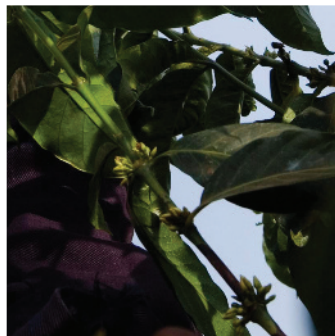
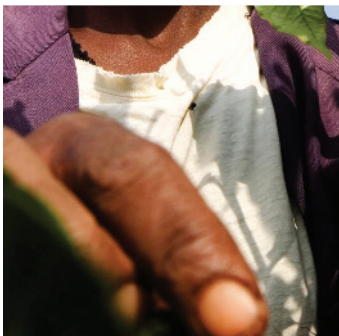


M&S

EST. 1884

FORCED LABOUR TOOLKIT

FOR INTERNATIONAL SUPPLIERS
AND PARTNERS



“ EMBEDDING
RESPECT FOR
HUMAN RIGHTS
IS THE NEXT
STAGE IN OUR
DEVELOPMENT.



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“SUSTAINABLE BUSINESS CAN ONLY SUCCEED IN SOCIETIES IN WHICH HUMAN RIGHTS ARE RESPECTED.



THE PURPOSE OF THIS TOOLKIT

This toolkit supports international suppliers and franchise partners to Marks and Spencer to show leadership in tackling forced labour in their business practices, operations and supply chains. Increasing legal requirements and expectations from customers, consumers, employees, governments and stakeholders mean that responsible businesses need to put human rights and tackling forced labour at the heart of their approach to business.

IMPLEMENTING THE STEPS OUTLINED IN THE TOOLKIT:

- Demonstrates that suppliers and partners are taking the lead in tackling forced labour
- Enables suppliers and partners to take proactive measures in their own operations and their supply chains to reduce the risk of forced labour and manage forced labour where it occurs
- Supports suppliers and partners to engage with their employees, employer representatives, suppliers and government to identify and tackle forced labour.

M&S' EXPECTATIONS OF SUPPLIERS AND PARTNERS

- Be familiar with M&S' Global Sourcing Principles (<https://corporate.marksandspencer.com/documents/plan-a-our-approach/global-sourcing-principles.pdf>) and work to meet them
- Digest this toolkit and take steps to implement the action points set out - this may be proportionate to your business size and risk profile
- Be compliant with the 'Transparency in Supply Chains' public reporting requirement set out in the UK Modern Slavery Act (2015), if your business is in scope for this
- Continue to engage with M&S as we work with suppliers and partners to implement best practice on Forced Labour.

WHAT IS MODERN SLAVERY AND FORCED LABOUR?

Modern slavery is a crime resulting in severe abuses of human rights where an individual is deprived of their freedom by another person¹. It is an umbrella term that includes forced labour, forced marriage, forced sexual exploitation and domestic servitude. The International Labour Organisation define forced labour as “All work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily”². Forced labour includes traditional “slave-like” practices such as debt bondage as well as new forms of forced labour that have emerged in recent decades, such as human trafficking.

CLASSIFICATIONS OF MODERN SLAVERY AND FORCED LABOUR³



¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf

² <http://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>

³ http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf

FORCED LABOUR IN SUPPLY CHAINS CAN TAKE THE FORM OF:

- **State-sponsored or controlled forced labour** – e.g. prison labour or the annual mobilisation of child labour in agriculture
- **Employer-controlled** – where an employer knowingly holds workers in a forced labour situation either by: retaining wages or forcing workers to work excessive hours, by outsourcing work to illegal sub-contractors or engaging workers through a labour supplier at an exploitative price
- **Recruitment-intermediary controlled** – where a third-party labour provider, private employment agency, informal agent or labour broker exploits workers. The end-user employer may or may not be involved in the exploitation
- **Gang controlled** – where criminal gangs exploit individuals and force them to work for legitimate employers and labour providers or rogue supervisors, consultants and workers control workers.

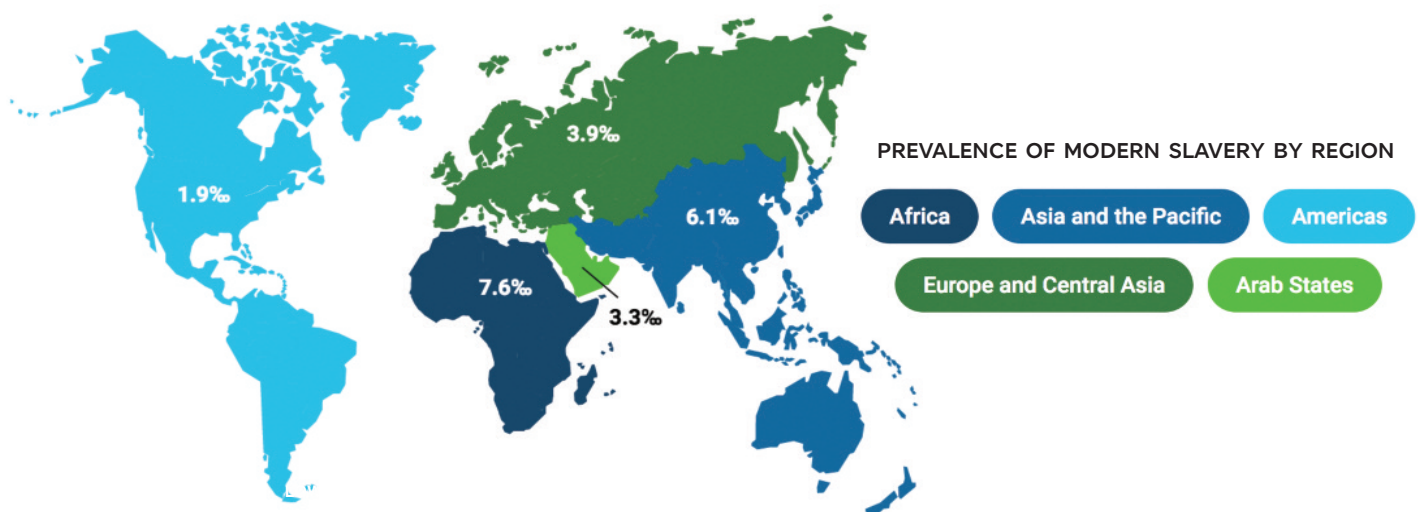
THE SCALE OF MODERN SLAVERY AND FORCED LABOUR

It is difficult to get accurate figures about modern slavery because slavery is a hidden and largely illegal activity. In 2017 the International Labour Organisation and the Walk Free Foundation estimated that there are 40.3 million people in modern slavery globally⁴. Of these 24.9 million people are in forced labour⁵ which includes 16 million in the private sector including construction, manufacturing, mining, utilities, agriculture, forestry, fishing and domestic work.

Forced labour is an economic activity which generates significant revenues for those responsible for exploitation and is estimated to be one of the fastest growing criminal industries in the world today⁶. The ILO estimates that the profits of Forced Labour is \$150bn per annum.

Forced labour is not just a risk for business's and their workforce. The risk needs to be understood all in all business operations and supply chains including labour providers and recruiters to supply chain and services including, sub-contractors, distribution, equipment and services.

ESTIMATES OF SLAVERY GLOBALLY⁷



⁴ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575540.pdf

⁵ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575540.pdf

⁶ http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm

⁷ <http://www.alliance87.org/2017ge/modernslavery#!section=8>

WHO ARE VICTIMS OF FORCED LABOUR?

Vulnerable workers are more likely to be exploited and victims of forced labour. Evidence shows that workers who are particularly vulnerable include: children, women, migrants (internal and cross border), seasonal workers, contract and agency workers and marginalised groups. Workers with limited education and language skills are also vulnerable.

The individuals or groups who exploit victims may use several methods including psychological and physical violence, isolation, language barriers, threats of violence, withholding worker's identification documents and withholding or not paying wages. Victims may be unwilling or unable to say they are being exploited because they are afraid of their exploiters punishing them or their extended families, do not know their rights or how to enforce them, are psychologically damaged or blame themselves for the situation they are in or are ashamed and culturally isolated as a result.

THE SIGNS OF EXPLOITATION IN VICTIMS VARY FROM SITUATION TO SITUATION HOWEVER THE FOLLOWING ARE OFTEN FOUND IN CASES OF FORCED LABOUR:

- Workers restricted in their movements or confined to a workplace or accommodation
- Workers not paid for their services, whose wages are excessively low or whose wages are withheld
- Workers threatened or subject to actual physical or sexual violence
- Workers paying off excessive debts or loans e.g. fees paid for recruitment
- Withholding of worker's passports or identity documents
- Removal of worker's personal items
- Workers avoiding eye contact or unwilling to talk to colleagues, managers or Human Resource staff.

WORKERS VULNERABLE TO SLAVERY⁸



⁸ Source ETI – Base Code Guidance on Modern Slavery <https://www.ethicaltrade.org/resources/base-code-guidance-modern-slavery>

WHY RESPONSIBLE BUSINESSES **MUST** TACKLE FORCED LABOUR

Businesses need to take responsibility for tackling forced labour to meet an increasing number of legal requirements, to take a leadership position within their industry and to meet the requirements of customers, consumers, investors and other stakeholders.

LEGAL REQUIREMENTS

There is a trend for more responsible business practice, transparency and accountability for respecting human rights, and governments are recognising the importance of their role in ensuring this happens. Many countries have or are now drafting new legislation on modern slavery and human rights

IN PLACE

- French Duty of Vigilance Law
- The EU Directive on Non-Financial Reporting
- The Modern Slavery Act 2015

IN PROGRESS

- Australia is developing a new Modern Slavery Act based on the UK legislation but likely to be more robust
- Swiss, Dutch, German and Canadian governments have legislative and policy changes in progress,
- More countries are ratifying the ILO Protocol on Forced Labour
- New treaty on human rights is being debated at the United Nations.

In some countries, trade regulations prohibit the import of goods produced by forced or trafficked labour. In these jurisdictions, such allegations can result in confiscation of imported goods by public authorities or disruption to trade and production schedules. Allegations of forced labour and trafficking can also significantly threaten investor relations and jeopardize access to public funds such as export credits.

MODERN SLAVERY ACT 2015

Companies which provide goods or services in the United Kingdom and have a turnover of £36m or more are required by the Modern Slavery Act 2015⁹ to produce a statement setting out the steps they have taken to ensure there is no modern slavery in their own business and their supply chains. The requirement of the bill is that the statement is signed by the board or CEO of the company and is made public on companies website. The UK government have provided detailed guidance¹⁰ on who is required to produce a statement and what companies should include in their statement, which is summarised in Appendix 4.



MORE THAN 18,000 COMPANIES IN THE UK ARE REQUIRED TO PRODUCE A STATEMENT WITH MORE THAN 100,000 ORGANISATIONS WORLDWIDE ALSO REQUIRED DUE TO OPERATIONS IN THE UK.

⁹<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

¹⁰https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf

TAKING A LEADERSHIP POSITION

Companies need to take a leadership position to differentiate themselves and to drive improvements across their industry. Initiatives to tackle forced labour in the consumer goods sector in the UK over the last five years have shown the benefits of suppliers and retailers working together to raise awareness of forced labour, improve working conditions within the industry and to identify and deal with cases of forced labour.

Taking a leadership position may include adopting as standard a policy of checking third party labour providers, ensuring workers do not pay recruitment fees and raising awareness amongst sites and workers about modern slavery.

EXAMPLES OF LEADERSHIP GROUPS

CONSUMER GOODS FORUM

Forced Labour Priority Industry Principles

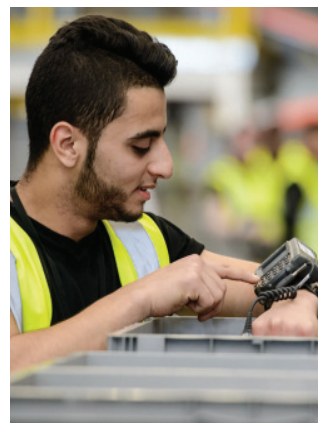
- Every Worker Should have Freedom of Movement
- No workers should pay for a job
- No worker should be indebted or coerced to work

INSTITUTE FOR HUMAN RIGHTS AND BUSINESS IHRB

Responsible Recruitment Leadership Group

Launched in May 2016, the Employer Pays Principle states that:

- No worker should pay for a job - the costs of recruitment should be borne not by the worker but by the employer.
- The Principle is endorsed by the Leadership Group for Responsible Recruitment, a collaboration between leading companies and expert organisations driving positive change in the way that migrant workers are recruited.



SATISFY THE GROWING REQUIREMENTS OF CUSTOMERS

Companies also need to satisfy the growing requirements of customers, consumers and investors that they are dealing with the risks of forced labour. Customers frequently state operating ethically is a key determining factor for their purchasing decisions. Marks and Spencer's Global Sourcing Principles include such requirements of suppliers.

PRACTICAL STEPS TO TACKLE FORCED LABOUR IN YOUR ORGANISATION AND SUPPLY CHAIN

BUSINESSES WHO WANT TO MANAGE THE RISK OF FORCED LABOUR IN THEIR OWN OPERATIONS AND ALONG THEIR SUPPLY CHAINS SHOULD CONSIDER TAKING THE FOLLOWING STEPS.

IN YOUR BUSINESS	IN YOUR SUPPLY CHAIN
<p>Make a commitment to tackle forced labour and communicate that commitment to all staff</p>	<p>Communicate your commitment to suppliers and ask them to commit to tackle forced labour in writing (see Sample commitment in Appendix 2)</p>
<p>Give responsibility for tackling forced labour to a senior manager in your business. If possible, create a working group to tackle forced labour which includes staff from different departments</p>	<p>Ask suppliers to identify a person in their organisation to work with you to tackle forced labour</p>
<p>Revise existing company policies and procedures to make sure that staff understand what steps they are responsible for and how to report. This should include: staff handbooks, disciplinary procedures, induction and training, supplier social audit procedures and access to remedy arrangements.</p>	
<p>Identify where in your business the risk of forced labour is greatest</p>	<p>Identify where in your supply chain the risk of forced labour is greatest. Include suppliers, labour providers, contractors and service providers. Focus on countries and industries where forced labour is a known risk and the suppliers you spend most with. Identify where in your supply chains you have vulnerable workers</p>
	<p>Assess whether you can reduce the risks in your supply chain e.g. by reducing the number of suppliers you buy from or countries and industries where state-imposed forced labour is widespread</p>
	<p>Gather more information about high risk suppliers through third-party audits or other investigations</p>
<p>If you have a trade union or worker committee on site, work with them to understand the risks in your business and how best to tackle them with workers</p>	

IN YOUR BUSINESS	IN YOUR SUPPLY CHAIN
Put in place systems to ensure that all workers have access to their passports and/ or identity documents and are not restricted from leaving the workplace or accommodation provided by the workplace	Ask your suppliers to ensure all workers have access to their passports and/ or identity documents and are not restricted from leaving the workplace or accommodation provided by the workplace
Train staff to understand forced labour and to identify the signs of forced labour. Include staff responsible for recruitment and for site visits	Train suppliers to understand forced labour and to identify the signs of forced labour at their sites and in their supply chains
Train supervisors to monitor, record and report where workers' appearance may show signs of injury or malnourishment	
Encourage supervisors and managers to talk informally to workers to understand whether they have experienced any issues	
Only work with labour providers are legitimate and registered or meet certain criteria (See Appendix 4 for guidance)	Ask your suppliers to only work with labour providers who meet certain criteria (See Appendix 4 for more details)
Set up systems for monitoring third party labour providers to your business on a regular basis Develop and implement a policy for your own business that no workers will be charged recruitment fees	Ask your suppliers to monitor third party labour providers to their business and report to you on the findings of the checks that have been done Ask suppliers to adopt a policy that no workers will be charged recruitment fees
Make sure all workers are aware of state grievance mechanisms and how to access them	Ask your suppliers to ensure that all workers are aware of state grievance mechanisms and how to access them
Develop internal grievance mechanisms that all workers can access. This can be strengthened by an independent process for example hotline	Ask your suppliers to develop grievance mechanisms that all workers can access
Develop a process for remedying any cases of forced labour which you identify in your business	Develop a process for remedying any cases of forced labour which you identify in your supply chain. Support your suppliers to develop similar processes.

CASE STUDIES OF BUSINESSES SHOWING LEADERSHIP IN TACKLING FORCED LABOUR

COMMITMENT

MARKS & SPENCER, UK

M&S

EST. 1884

Marks and Spencer have a long history of respecting human rights and supporting the communities we work in and source from. In June 2016, we made our commitment to human rights public by publishing our first Human Rights Report which sets out the steps we are taking to support and respect human rights and our plans for the future. We identified forced labour as a key issue for our business in 2016 and have worked hard in 2017 to understand where the risk of forced labour is greatest in our business and our supply chains and what steps we can take to manage and reduce those risks.

For more information on the risks of forced labour identified in our supply chains see Pages 7-9 of our 2017 Human Rights Report. For more information on our plans for Taking the Lead on Modern Slavery see Pages 19-21 of our 2017 Human Rights Report.

TRAINING

STRONGER TOGETHER, UK

**stronger
together**
tackling modern slavery in supply chains

Launched in the UK in October 2013, Stronger Together is a collaboration between business, government and charities whose purpose is to support organisations to tackle modern slavery within their businesses and supply chains. Stronger Together provides guidance, written resources and training to support employers and labour providers in high risk sectors to prevent forced labour occurring, identify cases of forced labour and deal with cases where they are identified.

Stronger Together has worked with over 800 employers in the UK in the last four years. 87% of companies said that attending Stronger Together training and using its resources has helped them to manage potential situations of forced labour. Stronger together strategy is now to extend training beyond the UK, starting with South Africa in November 2017.

<http://stronger2gether.org/>

MODERN
SLAVERY
IS THE GREAT
HUMAN
RIGHTS *issue*
of our time



(SOURCE: GLOBAL SLAVERY INDEX, 2016)

FACT

MIGRANT WORKER RECRUITMENT AND MANAGEMENT

HP, INC, GLOBAL



In November 2014, HP issued HP's Supply Chain Foreign Migrant Worker standard to address the risks of migrant workers in their supply chains and to strengthen and uphold those workers' rights. The guidance was based on three central principles in line with the Institute for Human Rights and Business' Employer Pays Principle:

- Transitioning workers to direct employment – independent research and audit results show that foreign migrant workers who are employed through “outsourced employment relationships” (third party labour recruiters) are often found to more vulnerable to exploitation than those employed directly by suppliers. HP's standard requires their suppliers to employ and pay foreign workers directly after a suitable transition period
- Transitioning to a “supplier pays” recruitment fee model – many foreign migrant workers are required to pay significant fees associated with recruitment and employment which can put them at risk of exploitation and prevent them from speaking out about poor conditions or leaving their jobs. HP's standard requires suppliers to bear the full costs of recruitment, selection, hiring and transportation after a suitable transition period
- Transitioning workers to hold their own identification documents – to protect employee freedom of movement, HP's standard states that suppliers, recruitment agents and other third parties are no longer allowed to hold foreign migrant worker identification documents, passports, travel papers or other personal documents, except where it is mandated by law.

HP's standard also expects its suppliers to: screen and select recruitment agents, manage their recruitment agents to ensure workers are not being exploited and responsibly manage foreign migrant workers on site. More details of the HP standard can be found [here](#).

GRIEVANCE CHANNELS

ISSARA INSTITUTE, THAILAND



The Issara Institute works in Thailand by providing workers in food and farming supply chains with different routes to voice concerns and grievances and by working with suppliers to improve labour recruitment and management processes. Their tools include: a multi-lingual hotline, social media, a local language smartphone app, extensive engagement with migrant worker communities and on-site support and investigations. They are currently working with more than 67,000 workers and have received more than 3,500 hotline calls from whom 500 victims of trafficking have been identified and supported. Issara have assessed and work with 38 suppliers in Thailand supported by 12 strategic partners – global brands, retailers and importers from the UK, US and Europe. Issara's work has found issues of forced labour which have not been found by standard ethical audits and its model for remedying cases of forced labour is intended to empower workers and improve suppliers' management systems.

REMEDiation STEPS

UZBEK COTTON



There have been ongoing concerns about the use of government-supported forced child labour during the cotton-picking season in Uzbekistan. M&S are one of 276 companies globally who have joined the Cotton Pledge which states clearly their firm opposition to the use of forced labour in the harvest of Uzbek cotton and bans the use of both cotton fibre and fabrics from Uzbekistan in their products. Companies who sign the Cotton Pledge make their commitment public and agree to put global pressure on the government of Uzbekistan and encourage other companies in their sector to take the same steps. The Cotton Pledge is an initiative of the Responsible Sourcing Network (RSN).

ADDRESSING HIGH RISK SUPPLY CHAINS

SUMANGALI SCHEME, TAMIL NADU, INDIA



ETI's Tamil Nadu Multi Stakeholder Initiative reaches young women workers in the state's spinning mills. We bring together company members and trade unions alongside local unions and NGO's to address exploitative labour practices in the garments and textiles sector through a three-pronged approach:

1. A Worker Peer Group Programme known locally as Nalam (Tamil for wellbeing) which establishes mechanisms for workers to champion their rights within factories and mills. Nalam has 2 phases:
 - Phase 1: Health-related modules based on BSR HER Project and delivered by PSC Institute in Tamil Nadu designed to build relationships with the mills and increase confidence within both management and workers.
 - Phase 2: Tackling broader labour standards issues within the mills. This is designed to specifically address workers' rights issues with outcomes that ensure minimum standards are met in a sustainable way and is being delivered by ETI in-house trainers.
2. A Community Outreach Programme that educates and raises awareness within communities where recruitment takes place, and which addresses the risk of vulnerable young women being recruited.
3. A Stakeholder Engagement, Policy and Legislative Reform Programme at industry and local government level, which aims to tackle some of the policy gaps that allow problems to arise.

M&S are part of the Ethical Trading Initiative's Tamil Nadu Multi-Stakeholder programme (TNMS) which is working to:

Deliver training on women's health issues to 16,000 workers to improve the wellbeing of young women workers
Raise awareness amongst potential, current and former workers of employment rights, grievance and legal support

Work with local employers and recruitment agents to improve their practices¹¹

Improve accommodation conditions and to allow freedom of movement for young women workers

ETI's Tamil Nadu Multi Stakeholder Initiative has received funding from Freedom Fund (see appendix 1 for more information)

¹¹ Source: <https://www.fairwear.org/wp-content/uploads/2016/06/fwf-india-sumangalischeme.pdf> and https://s3-eu-west-1.amazonaws.com/www.ethicaltrade.org/files/shared_resources/tnms_mid-term_evaluation.pdf?XAgPKYHBEMyLAOb7vEFBD.YYRQoRSttZ

WORKING WITH THIRD PARTY LABOUR PROVIDERS

GANGMASTERS AND LABOUR ABUSE AUTHORITY, UK



**Gangmasters &
Labour Abuse Authority**

The Gangmasters Licensing Authority (GLA) was established under the UK parliament Gangmasters (Licensing) Act 2004, to set up and operate the licensing scheme for labour providers. In May 2016, the UK Parliament approved a new Immigration Act, which extended the powers of the body and renaming the GLA to the Gangmasters and Labour Abuse Authority (GLAA). Its licensing scheme regulates businesses who provide workers to the fresh produce supply chain and horticulture industry, to make sure they meet the employment standards required by law. Labour providers are assessed to check they meet the GLAA licensing standards which include freedom from slavery, health and safety, accommodation, pay, transport and training. A labour provider must have a GLAA license to work in the sectors covered by the GLAA. It is illegal to supply workers without a license or to use an unlicensed labour provider.

The licensing scheme is designed to make sure:

- Workers work voluntarily, are treated fairly and get the pay, benefits and conditions they are entitled to
- Labour providers are not undercut by those who pay less than the minimum wage or avoid tax
- Companies that use licensed labour providers can check their workers come from a legitimate provider and are informed if their labour provider's license is revoked
- Consumers can be assured that their foods had been picked and packed in an ethical environment.



APPENDIX 1:

ADDITIONAL SOURCES OF INFORMATION

MARKS AND SPENCER RESOURCES

Global Sourcing Principals -

<https://corporate.marksandspencer.com/documents/plan-a-our-approach/global-sourcing-principles.pdf>

Human Rights report -

<https://corporate.marksandspencer.com/documents/plan-a-our-approach/mns-human-rights-report-june2017.pdf>

Modern Slavery Toolkit -

<https://corporate.marksandspencer.com/documents/plan-a-our-approach/mns-modern-slavery-toolkit.pdf>

Modern Slavery statement -

<https://corporate.marksandspencer.com/documents/plan-a-our-approach/mns-modern-slavery-statement-june2017.pdf>

PLAN A 2025 <https://corporate.marksandspencer.com/documents/plan-a/plan-a-2025-commitments.pdf> Commitments -

GLOBAL INITIATIVES TO TACKLE FORCED LABOUR

- The Global Slavery Directory, a publicly searchable map and database of organizations and agencies across the globe that address the issue of modern slavery and human trafficking - <http://www.globalmodernslavery.org/>
- The Issara Institute (South East Asia) - <https://www.issarainstitute.org/our-approach>
- The Mekong Club (Hong Kong) - <https://themekongclub.org/>
- Stronger Together - toolkits and resources for tackling modern slavery - www.stronger2gether.org
- Sources of risk data about forced labour
- Alliance 8.7 global estimates of modern slavery - <http://www.alliance87.org/2017ge/#!section=0>
- Danish Institute for Human Rights – Country Risk and Business Country Guide - <http://hrbcountryguide.org/>
- Freedom in the World Report, Freedom House
https://freedomhouse.org/report/freedom-world/freedom-world-2015#.VsyF_vmLTIU
- International Trade Union Conference (ITUC) – WTO Reviews - <http://www.ituc-csi.org/documents>
- Transparency International Corruption Perception Index - <http://www.transparency.org/research/cpi/overview>
- UNICEF & Global Child Forum – Children’s Rights and Business Atlas - <http://www.childrensrighsatlas.org/>
- US Dept. of State Country Reports on Human Rights Practices -
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>
- US Department of Labour’s List of Goods Produced by Child Labour and Forced Labour -
<http://www.dol.gov/ilab/reports/child-labor/list-of-goods/>
- US State Department Trafficking in Person’s report (TIP) - <http://www.state.gov/j/tip/rls/tiprpt/>
- Verité Forced Labour Commodity Atlas - <http://www.verite.org/Commodities>
- Walk Free Foundation’s Global Slavery Index - <http://www.globalsslaveryindex.org/>
- Freedom Fund - programmes tackling forced labour - <http://freedomfund.org/programs/our-approach/>

GUIDANCE FOR IDENTIFYING AND ADDRESSING CASES OF FORCED LABOUR

- SEDEX (2016) - [Guidance on Operational Practice and Indicators of Forced Labour](#)

REMEDATION FOR CASES OF FORCED LABOUR

- Walk Free Foundation’s Tool 10, Making a Plan for Remediation, Tackling Modern Slavery in Supply Chains A Guide 1.0 (2014) - <http://business.walkfreefoundation.org/>

APPENDIX 1: CONTD.

FAIR RECRUITMENT RESOURCES

- Consumer Goods Forum's Priority Industry Principles - <https://www.theconsumergoodsforum.com/initiatives/social-sustainability/key-projects/priority-industry-principles/>
- Hewlett Packard Guidelines for Management Foreign Migrant Workers - <http://www8.hp.com/h20195/v2/GetPDF.aspx/c05116077.pdf>
- Institute for Human Rights and Business – Employer pays principle <https://www.ihrb.org/employerpays/the-employer-pays-principle>
- International Labour Organisation's Fair Recruitment Initiative (ILO-FAIR) - http://www.ilo.org/global/topics/forced-labour/publications/WCMS_320405/lang--en/index.htm
- International Labour Organisation's Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME) - http://www.ilo.org/global/topics/labour-migration/projects/WCMS_549098/lang--en/index.htm
- Interfaith Center on Corporate Responsibility's Best Practice Guidance on Ethical Recruitment - https://www.iccr.org/sites/default/files/iccrsbestpracticeguidanceethicalrecruitment05.09.17_final.pdf
- Stronger Together's Responsible recruitment toolkit - <http://responsiblerecruitmenttoolkit.org/>
- Verite's fair hiring toolkit - <http://helpwanted.verite.org/helpwanted>

APPENDIX 2:

SAMPLE COMMITMENT TO MODERN SLAVERY AND FORCED LABOUR

SOURCE: STRONGER TOGETHER <http://stronger2gether.org/resources/>

N.B. THIS IS A TEMPLATE; TO BE MODIFIED AS REQUIRED. COMPANIES SHOULD INSERT INFORMATION ABOUT THEIR BUSINESS WHERE HIGHLIGHTED BY THE SQUARE BRACKETS [X,YZ]

POLICY STATEMENT

[Company] recognises the responsibility that they share with their suppliers to tackle forced labour. The principles below are drawn from International Labour Organisation Conventions, Protocols, Recommendations and Instruments such as the Declaration on Fundamental Principles and Rights at Work and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the UN Guiding Principles on Business and Human Rights. The principles address businesses and aim to provide clear and practical interpretation of international labour standards.

[Company] has applied the principles below to its own operations and labour providers. These principles should also be applied by [Company's] suppliers and their labour providers.

COVERAGE

[State which supply chain (s) this policy applies to?]

RESPONSIBILITY

[Who has overall responsibility for this policy?]

[Who (which jobholders) have specific responsibilities for various aspects of this policy?]

APPENDIX 2: CONTD.

SPECIFIC SUPPLIER REQUIREMENTS

Prison Labour

1. Work or service can only be required from prisoners who have been convicted in a court of law. Such work or service must be carried out under the supervision and control of a public authority, for example the prison administration of a State-run facility. Prison workers must not be hired to or placed at the disposal of private individuals, companies or associations. Compulsory work or service by prisoners is not allowed for private companies either inside or outside the prison, or within privately administered prisons.
2. Work or service performed by prisoners for a private company must be voluntary. Prison workers must give their consent to working for a private employer without being subject to a threat or penalty, including the loss of rights or privileges within the prison.
3. Conditions for prisoners who have consented to work for a private company should approximate the conditions enjoyed by free workers. Prison workers should have access to wage levels, social security benefits and occupational safety and health standards that approximate a free labour relationship. Reasonable differences in wage levels are acceptable on the basis of deductions made for board and lodging.

FREEDOM OF EMPLOYMENT

Prison Labour

4. All workers shall have the right to enter into employment voluntarily and freely, without the threat of a penalty.

Termination of Employment

5. Workers shall have the freedom to terminate employment of indefinite or long duration by means of notice of reasonable length (in accordance with national law or collective agreement) at any time without penalty. Workers on contracts of fixed duration shall not be required to serve beyond the expiry of their contract. Employers shall not use means to restrict a worker's ability to terminate employment, for example by requiring deposits, withholding employee documentation, threats or use of violence, imposing financial penalties or requiring payment of recruitment fees.

Threat of Violence, Harassment & Intimidation

6. Employers shall not exact work or service from any person under the menace of any penalty. This includes the use or threat of physical or sexual violence or harassment.

Coercion in Wage Payment, including Debt Bondage and Bonded Labour

7. Wages shall be paid regularly and methods of payment are prohibited that mean workers cannot leave their employment. Wage payments shall not be delayed or deferred such that wage arrears accumulate.
8. Wages shall be paid directly to the worker and should be paid in legal tender, or by cheque or money order where permitted by law, collective agreement or with the consent of the worker. Payment in the form of vouchers, coupons or promissory notes is prohibited.
9. Payments "in-kind" in the form of goods or services shall not be used to create a state of dependency of the worker on the employer. "In-kind" payments should only be partial to ensure that the worker is not totally deprived of cash remuneration and are permitted only if authorised by national law, regulation or collective agreement.
10. Workers that earn wages calculated on a performance-related or piece-rate basis shall not earn less than the legally mandated minimum wage.

11. Workers shall not be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt.
12. Deception in wage payment, wage advances, and loans to employees shall not be used as a means to bind workers to employment. Advances and loans, and deductions from wages made for their repayment, shall not exceed the limits prescribed by national law. Workers shall be duly informed of the terms and conditions surrounding the granting and repayment of advances and loans
13. No deductions from wages shall be made with the aim of indebting a worker and binding him or her to employment, and measures should be taken to limit wage deductions to prevent such conditions. Workers shall be informed of the conditions and extent of wage deductions, and only deductions authorised by national law, collective agreement or arbitration award shall be made.
14. Workers shall not be compelled to make use of stores or services operated in connection with an undertaking. Where access to other stores or services is not possible, employers shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned.

Disciplinary Measures

15. Disciplinary measures should not include punishments that result in an obligation to work.
16. Compulsory labour shall not be used to discipline workers or as punishment for participation in a strike.

Compulsory Overtime

17. Workers shall not be forced to work overtime above the limits permitted in national law and collective agreements under the menace of a penalty, for example the threat of dismissal.
18. Work or service outside normal daily working hours shall not be imposed by exploiting a worker's vulnerability under the menace of a penalty. For example, employers shall not set performance targets that result in an obligation to work beyond normal working hours because of the worker's need to be able to earn the minimum wage.

Freedom of Movement

19. Coercion shall not be used to physically confine or imprison workers to the workplace or related premises, for example employer-operated residences. Mandatory residence in employer - operated residences shall not be made a condition of employment.

Conditions relating to Skills Development & Vocational Training

20. Training opportunities provided to employees shall be undertaken voluntarily. Employers that provide such opportunities shall not unreasonably impose work or service as a means of recovering the costs associated with them.

Migration for Employment:

21. Migrant workers, irrespective of their legal status, shall be treated fairly, and measures shall be taken to prevent abusive conditions and fraudulent practices that may lead to coercion and trafficking for labour exploitation.
22. Migrant workers shall benefit from conditions of work no less favourable than those available to local workers, and shall have the right to enter into and terminate employment (with reasonable notice in accordance with national law or collective agreement) voluntarily and freely, without the threat of a penalty.
23. Employers shall not threaten irregular migrant workers or their family members with denunciation to the authorities or otherwise coerce such workers into taking up or maintaining employment.

Recruitment of Migrant Workers

24. No fee or cost for recruitment shall be charged directly or indirectly, in whole or in part, to the worker. If an exception is made, it should be in the interest of the workers concerned, and after consulting the most representative organisations of employers and workers. All costs related to recruitment should be disclosed to the workers.

Document Retention

25. Practices such as confiscating or withholding worker identity documents or other valuable items (e.g. work permits and travel documentation) are prohibited.
26. However, if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request.
27. Employers shall not retain personal documents for the purpose of binding workers to employment.

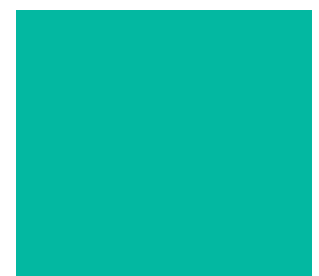
Third Party Labour Providers

WITHIN THEIR SPHERE OF INFLUENCE AND TO THE BEST OF THEIR ABILITY, EMPLOYERS THAT ENGAGE THIRD PARTY LABOUR PROVIDERS TO RECRUIT MEMBERS OF THEIR WORKFORCE SHALL TAKE MEASURES TO:

28. Ensure that such providers do not engage in fraudulent practices that place workers at risk of forced labour and trafficking for labour exploitation;
 29. Prevent the abuse of workers contracted by such providers, for example by ensuring that such workers receive adequate protection in relation to wage-related matters, working hours, overtime and other working conditions;
 30. To the greatest extent possible, ensure that fees or costs related to recruitment are not borne by workers but by the contracting company;
 31. Use only those recruitment providers that are licensed or certified by the competent authority.
- Contracts of Employment
32. Employers shall provide written contracts of employment in language that workers can easily understand and that clearly indicate their rights and responsibilities with regard to payment of wages, working hours, valid grounds for termination, and other issues related to preventing forced labour.

Worst Forms of Child Labour

33. Employers shall take immediate and effective measures to prevent and eliminate the engagement of children in the worst forms of child labour, including debt bondage, serfdom, forced or compulsory labour, and all forms of slavery and practices similar to slavery, such as the sale and trafficking of children.
34. Employers that engage third party labour providers shall ensure that such labour providers do not engage children in the worst forms of child labour as indicated above.



APPENDIX 3:

HOW TO WRITE A MODERN SLAVERY STATEMENT WHICH MEETS THE REQUIREMENTS OF THE UK'S MODERN SLAVERY ACT 2015

N.B. THE FOLLOWING GUIDANCE IS A SUMMARY OF THE UK GOVERNMENT'S "TRANSPARENCY IN SUPPLY CHAINS: A PRACTICAL GUIDE AVAILABLE AT:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf

WHAT IS THE UK'S MODERN SLAVERY ACT?

The UK's Modern Slavery Act 2015 is an Act of Parliament of the United Kingdom designed to tackle modern slavery and consolidate previous offences relating to trafficking and slavery. The Transparency in Supply Chain Provisions of the Bill (Provision 54) came into force in October 2015 and requires companies that meet certain criteria to produce a slavery and human trafficking statement for each financial year of the organisation.

WHO IS REQUIRED TO PRODUCE A STATEMENT?

Commercial organisations in any sector with a global annual turnover of £36m or more who do business in the UK are required to produce an annual slavery and human trafficking statement outlining the steps they are taking to address modern slavery in their business and supply chain. If a company has taken no such measures, this must be disclosed. The Act is estimated to apply to over 12,000 businesses.

The company must produce a statement and have it approved and signed by an appropriate senior person in the business e.g. a director, member or partner of the organisation. The Act requires each organisation to publish the statement on their website and include a link in a prominent place on its homepage. Organisations are legally required to publish a statement for each financial year of their organisation.

DOES THE ACT ONLY APPLY TO COMPANIES BASED IN THE UK?

No. The requirements applied to any incorporated company or partnership, including limited liability partnerships, that carries on its business, or part of its business, in the UK. The requirement is applicable regardless of the company's geographic location, thus the obligations also apply to overseas businesses providing goods or services within the UK.

More details on who is required to produce a statement, including implications for parent companies and franchise models, can be found here

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf

¹² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf

WHAT MUST COMPANIES INCLUDE IN THE STATEMENT?

The statement must set out what steps companies have taken during the financial year to ensure that modern slavery is not occurring in their supply chains and in their own organisation. The government is clear that this “does not mean that the organisation in question must guarantee that the entire supply chains is slavery free”¹². The statement is a public-facing document and should be written in simple language that is easily understood.

The UK Government have not stated what must be included in the document but have provided recommendations that the statement should aim to include information about:

- The organisation’s structure, its business and its supply chains;
- Its policies in relation to slavery and human trafficking;
- Its due diligence processes in relation to slavery and human trafficking in its business and supply chains
- The parts of its business and supply chains where there is a risk of modern slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
- Its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or
- supply chains, measured against such performance indicators as it considers appropriate;
- The training and capacity building about slavery and human trafficking available to its staff
- A detailed picture of all the steps it has taken to address and remedy modern slavery, and the effectiveness of all such steps.

More detailed guidance on what to include in the statement is available in Annex E here

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf

WHAT CONSIDERATIONS SHOULD COMPANIES TAKE IN DEVELOPING A STATEMENT?

Organisations should be aware that their statement will be assessed by the public, investors, the media and other external parties including customers. They will expect to see year-on-year improvements and practical steps for tackling the risks and incidence of forced labour.

WHAT HAPPENS IF COMPANIES DO NOT PRODUCE A STATEMENT?

If a business fails to produce a slavery and human trafficking statement for a particular financial year the Secretary of State may seek an injunction through the High Court requiring the company to comply. If the organisation fails to comply, they will be in contempt of a court order, which is punishable by an unlimited fine.

WHAT SHOULD ORGANISATIONS DO NOW?

The requirement under the Act is to produce a statement rather than to take positive steps to eradicate slavery. However, the UK Government and any organisation reading a company’s statement (customers, consumers, civil society, trade unions) will expect them to be transparent about what they are doing and open about the challenges they face.

Businesses follow the steps outlined in [Appendix 1](#) in order to position themselves as complying with the requirements of the Modern Slavery Act and to take a leadership role in their industry to improve working conditions and tackle modern slavery:

APPENDIX 4:

HEWLETT PACKARD GUIDANCE CRITERIA FOR ASSESSING
LABOUR PROVIDERSSOURCE: <http://www8.hp.com/h20195/v2/GetPDF.aspx/c05116077.pdf>

SAMPLE CRITERIA	SAMPLE INDICATORS
COMPLIANCE WITH LEGAL STANDARDS	<ul style="list-style-type: none"> • The recruitment agent is fully licensed. • The recruitment agent has no record of legal sanctions in the past three years. • The recruitment agent uses only fully licensed sending country recruitment agents.
COMPLIANCE WITH SOCIAL RESPONSIBILITY STANDARDS	<ul style="list-style-type: none"> • The recruitment agent formerly expresses a commitment to uphold the company's social (labour and ethics) standards. • The recruitment agent has written policy and commitment statements that address social (labour and ethics) standards.
COMPLIANCE WITH STANDARDS ON RECRUITMENT FEES AND EXPENSES	<ul style="list-style-type: none"> • The recruitment agent has a policy stating that workers are not charged recruitment fees. • The recruitment agent has a procedure for verifying that workers are not charged fees by sending country agents (e.g., worker interviews, a plan for periodic worker surveys, receipt review, etc.).
COMPLIANCE WITH STANDARDS ON EMPLOYMENT CONTRACTS	<ul style="list-style-type: none"> • The recruitment agent has a policy to ensure that worker contracts meet legal, company and HP specific requirements.

“ WE WILL NOT
TOLERATE,
NOR CONDONE,
ABUSE OF HUMAN
RIGHTS WITHIN ANY
PART OF OUR
BUSINESS OR
SUPPLY CHAINS.