

THE MODERN SLAVERY ACT

The Modern Slavery Act (2015) aims to protect workers while increasing consumer confidence in the goods and services they buy. The Act requires organisations that supply goods and services with a global turnover in excess of £36 million per year, to publicly report on their efforts to address slavery and human trafficking in their own business and in their supply chains.

The Act applies to companies and partnerships based in the UK, or those that conduct their business here, whether they are incorporated in the UK or not.

WHAT IS MODERN SLAVERY?

Modern slavery is described as “holding a person in servitude or forcing a person to perform labour.” The offense of human trafficking is to arrange or facilitate the travel of another person with a view to exploit that person.

WHAT IS REQUIRED?

If you have a turnover in excess of £36 million you **must** publish a slavery and human trafficking statement, explaining the steps you are taking as an organisation to ensure that no such activity is taking place in your business or supply chain.

Alternatively, if you haven't taken any steps, then you will need to confirm that in your slavery and human trafficking statement.

CONTENTS OF THE STATEMENT

The government has not dictated the wording, form or length of the statement, but it has given guidance on what information the statement may include:

- 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 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 about slavery and human trafficking available to its staff

APPROVAL AND PUBLICATION OF THE STATEMENT

Your trade status determines how the content of the statement is approved and who signs the statement on behalf of the business

- **Partnerships:** a partner in the business must sign the statement
- **Limited Partnerships (registered under the 1907 Act):** it must be signed by the general partner
- **Limited Companies:** the board of directors must approve the statement and must be signed by a director or equivalent
- **Limited Liability Partnerships:** the members must approve the statement and it must be signed by a designated member

The statement needs to be displayed on your company website with a prominent link to your slavery and human trafficking statement on your home page.

If you do not have a website, you must provide a copy of the statement to anyone who requests one in writing, within 30 days of receiving the request.

FAILURE TO COMPLY

The requirement to supply a statement applies to England, Wales, Scotland and Northern Ireland.

Failure to comply with the requirement to produce a statement may lead to the Secretary of State applying for an injunction to force disclosure of the statement. In Scotland, it will be for specific performance of a statutory duty.

DO YOU HAVE TO DO ANYTHING AS A SUPPLIER?

If you are a supplier in the supply chain of an organisation that needs to comply, you can expect a request to cooperate, to enable them to comply with this duty. You may be asked to sign a supplier code of conduct and the organisation may do a site visit, or they may seek an assurance from you that your business does comply with the principles of the Act in relation to slavery and human trafficking.

You should check the terms of any contract that you agree with larger organisations, as it's likely to include a contractual duty for you to supply certain information to them.

If you refuse a reasonable request for cooperation from an organisation, they may decide to terminate their relationship with you.

USEFUL LINKS

- Transparency In Supply Chains – A Practical Guide: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471996/Transparency_in_Supply_Chains_etc_A_practical_guide_final_.pdf
- The Modern Slavery Act Legislation: <http://www.legislation.gov.uk/ukpga/2015/30/part/6>

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