

UK Modern Slavery guidance updated

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The UK government recently updated its guidance on modern slavery entitled “Transparency in Supply Chains etc. A Practical Guide”, which can be found here: <https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide>.

Under the UK Modern Slavery Act 2015 compliance disclosure requirements an organization with UK £36 million turnover that sells goods or services in the UK is required to annually publish a slavery statement demonstrating what they are doing to ensure that there is no slavery or human trafficking in the business or the supply-chain, which also applies to organizations based outside the UK selling goods and services into the UK; this compliance obligation has been in force since 29 October 2015 and many organizations who fall under it have already previously published their first statement. As the updated guidance states, organizations must “paint a detailed picture” of all the steps that they have taken.

The UK government published its original guidance on the modern slavery compliance regime in 2015 and the refreshed guidance “lays out [its] expectations for [the] statements, including more of an explanation of what best practice looks like.” In our view Key compliance highlights of the update are as follows:

- Definitions of child labour are now included – child labour is a challenging issue under modern slavery compliance. As the updated guidance itself says, “child labour will not always constitute modern slavery. It will still be necessary whether, based on the facts of the case, the children in question are being exploited in such a way as to constitute slavery, servitude and forced or compulsory labour or human trafficking”;
- Organizations with a turnover of below the UK 36 million disclosure threshold are encouraged to produce a statement – as the updated guidance says, “smaller organizations may be asked by those they are supplying goods or services to if they have a statement or policy setting out their approach to tackling modern slavery, especially if they are bidding for contracts with larger businesses above the threshold. Therefore smaller organizations may find it helpful to voluntarily produce a statement as a means of managing these requests and providing a level of assurance to their customers”;
- Encouraging statements to be approved at the highest level – tone at the top is very important for modern slavery compliance – for example, it is best practice for the director who signs the statement to also sit on the board that approved the statement. As the updated guidance says “An organization’s top management will be best placed to foster a culture in which modern slavery is not tolerated in any form. They need to drive the measures required to address this problem throughout the business”; and,
- The UK government has also supplemented the updated guidance with social media graphics to raise awareness of how to comply with modern slavery which “can also be shared by businesses to demonstrate their compliance” – visuals are an easy-win for compliance which organizations should therefore use a resource. The UK government graphics can be found here: <https://www.gov.uk/government/publications/stopping-modern-slavery-in-business-graphics> and a UK government promotional video to show how slavery is being stopped in business can be found here: <https://www.gov.uk/government/publications/stopping-modern-slavery-in-business-video>

Those organizations whose financial end-of-year is this December 2017 and who meet the criteria to publish a slavery statement will be required to publish a statement to cover the period of January-December 2017, which they will have to do by the end of June 2018. If this is the second statement it will have to show progress on the first one. When putting together the statement organizations will need to take on board the revised guidance.

By way of reminder, the UK is also currently in the process of amending the UK Modern Slavery Act 2015 with a view to giving modern slavery compliance enforcement more teeth, which we have written about here: <http://www.corderycompliance.com/update-on-proposal-to-amend-modern-slavery-act-2015/>

Training is a vital part of any compliance, which is equally true of modern slavery compliance. Crucially, employees and suppliers need to know how to spot the signs that modern slavery may be taking place, which we have made a short film about that can be found here: <http://www.corderycompliance.com/spotting-the-signs-of-modern-slavery/>

For other articles that we have written about modern slavery compliance please see here: <http://www.corderycompliance.com/category/modern-slavery/>

For more information please contact Jonathan Armstrong or André Bywater who are lawyers with Cordery in London where their focus is on compliance issues.

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