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COMMONWEALTH
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ASSOCIATION UK 

 UK
Parliament

 Foreign, Commonwealth
& Development Office

LEGISLATIVE STRENGTHENING SEMINAR

TO ADDRESS
MODERN SLAVERY IN SUPPLY CHAINS

Report





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C ONTEXT

CPA UK's *Legislative Strengthening Seminar to Address Modern Slavery in Supply Chains* took place between 22-24 October 2024. In parallel, a seminar to address gender-based violence also took place. Across both programmes, over 50 parliamentarians and legislative officials from 17 Commonwealth countries attended.

The seminar was part of a multi-year project designed to increase the ability of parliamentarians to address these issues and ultimately lead to a reduction in violence against women and girls and exploitation in (global) supply chains.

The seminar followed and built upon the knowledge established in an awareness-raising workshop which took place in Nairobi in November 2023. Many of the delegates who took part in the workshop also participated in this seminar, along with many new delegates and legislatures.

Whereas the Nairobi workshop sought to develop a core understanding of the issues and ways to raise awareness of them, this seminar aimed to increase the ability of parliamentarians to introduce, develop or strengthen legislation.

KEY TAKEAWAYS

02

FROM THE SEMINAR

IDENTIFYING THE PROBLEM

- **Investigate** how effective current laws are and **identify gaps** in existing legislation.
 - **Analyse data** to understand **how well reported, enforced, and prosecuted** an individual crime is. This can inform understanding of how effective existing legislation is and how well it has been **implemented**.
 - Access a **diversity of sources** to **verify** government reporting.
 - Appoint a **dedicated commissioner** to **investigate** the impact specific **legislation** has on crime and justice. This has proved to be an effective use of resources in some jurisdictions.
 - **Consult** the public, experts, stakeholders and people with lived experience to gather **evidence** on the impacts of existing or proposed legislation.
 - For drafters: undertake a **pre-consultation** to work out exactly what the law is in a particular area, **identify** any **gaps** in legislation and create potential solutions.
- **Pre-legislative scrutiny** provides a mechanism for parliament to hear **evidence** from **diverse stakeholders** operating on the ground; collect data, including from novel methods made available through AI; and take account of **survivor perspectives** before a bill is formally introduced.

- **Post-legislative scrutiny**, through mechanisms such as **parliamentary committees**, allows parliamentarians to research and publish evidence on the **effectiveness of laws** and/or their implementation. This provides a platform for parliamentarians to **raise awareness** of ineffective legislation, issue **recommendations** and **advocate** for legislative change.
- Consider ways to **ensure** that **post-legislative scrutiny occurs**:
 - Introduce **systemic changes** so that post-legislative scrutiny is **mandated to occur** after a certain time period. This could include statutory duties requiring the government to report to parliament on the implementation and impact of legislation by the end of the parliament.
 - Make post-legislative scrutiny a legal requirement when passing legislation.

Discussed example

When passing the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* in Canada, legislators included a clause compelling post-legislative scrutiny to be conducted after five years.

STRENGTHENING THE LAW

- **Amending existing laws**, particularly branches of **common law** such as **company law**, could be a **faster route** to increasing **corporate accountability** and addressing modern slavery in supply chains. Comparatively, passing a new bill could take many years.
- Legislation to make **supply chains** more **transparent**, leading to the publication of **better-quality data**, would allow investors to evaluate the 'modern slavery **risk of investment**'.
 - With such data available investors could **exert greater leverage** by **collectivising** their **capital** only toward companies with strong due diligence **standards**. This would place greater **pressure** on businesses to adopt **higher standards**.

- **Transparency** laws can become **check-box exercises**, creating **compliance** rather than **actions**. **Penalties** or **sanctions** for failing to adhere to legislation could create stronger processes and **enforcement** powers.

Discussed example

Section 54 of the UK's *Modern Slavery Act* requires companies to produce an annual 'modern slavery statement' that details the steps the organisation has taken to ensure modern slavery is not occurring in any of its supply chains. However, there are no penalties or enforcement powers to mandate minimum standards; the organisation could simply provide a statement to say they are not taking any action. At the time, proponents of this approach suggested that consumers will behave differently if a company has a poor track record, but this has not proved true in all cases.

When Canada was tabling its *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, it borrowed and strengthened elements from the UK's Act; for instance, it added stronger penalties to companies for misleading through their modern slavery statement. Legislators in Canada are now considering introducing an element of proportionality to fines.

- Setting **import bans** – forcing companies to undertake thorough **investigations** and **reparations** to resume trading – is a tough penalty but has proved effective in cases.
- **Simplicity and definitions**
 - Before drafting definitions, undertake policy work to **identify** the **specific** abuse legislation seeks to address.
 - **Simplify** legislation where possible and appropriate. Delegates noted that the complexity of laws has resulted in **low levels of prosecution** and lengthy legal proceedings.

ADVOCATING FOR LEGISLATIVE CHANGE

- **Effective use of international conventions**

- International conventions often provide principles which are adopted in national legislation.
 - **Follow** these **principles** to **guide** areas of focus for legislation.
 - **Committee members** can also follow these principles to guide government **scrutiny** and inform **recommendations**.
- **Contrast** international **obligations** against **existing legislation**, providing an effective platform to advocate for legislative reform.
- They offer **guidance** for parliamentary committees to **scrutinise** government and push for greater **due diligence** and **recommendations**.

- **Change the narrative on supply chain legislation**

“High risk’ jurisdictions

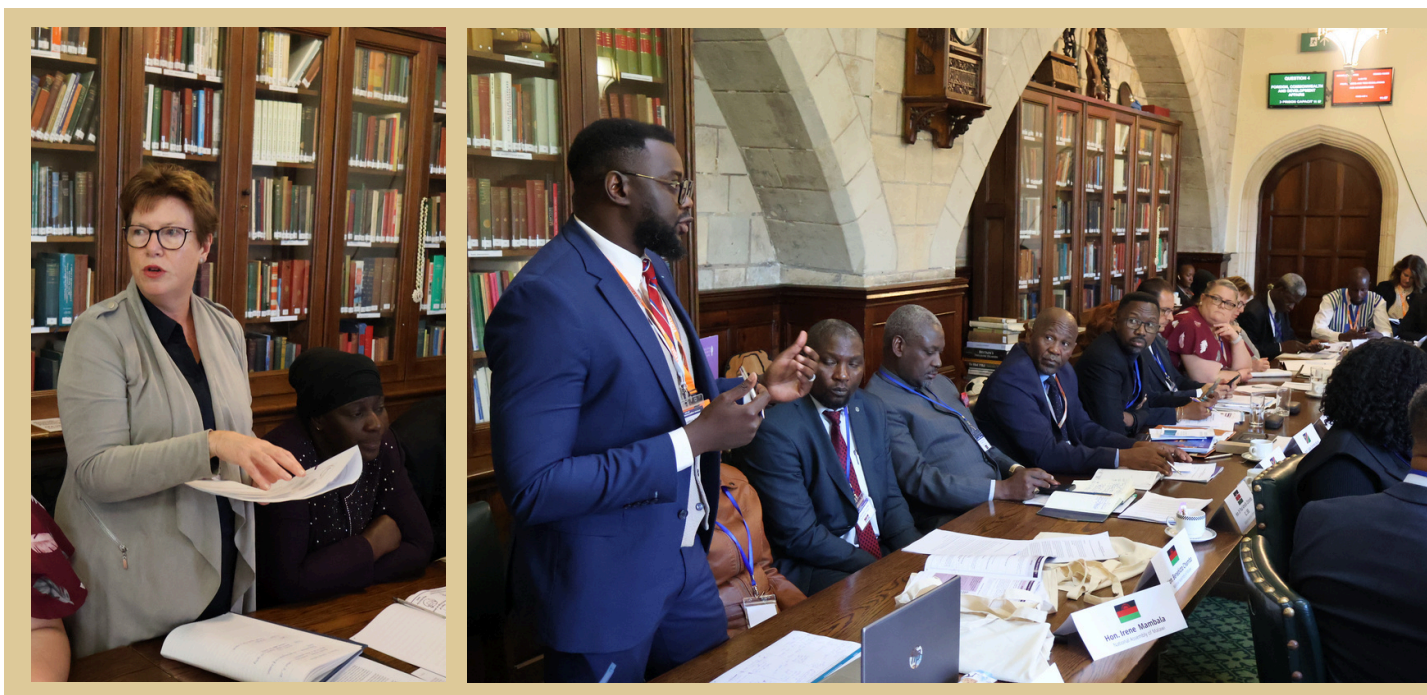
Highlight the **risk** that comes without effective legislation:

- **Unlegislated countries**, meaning countries/legislatures that do not have legislation in place to address exploitation and forced labour in (global) supply chains, could become a **‘dumping ground for risky goods’**.
- For businesses, these are ‘high-risk’ jurisdictions to **trade** in that create more **hurdles** later on.
- Businesses trading in these jurisdictions risk a greater probability of forced labour occurring in their supply chains and, therefore, a greater risk of **reputational damage**.
 - One argument for strengthening regulation is that it will **facilitate more trade**.
 - Effective legislation should **level the playing field** so that companies of all sizes **remain competitive** and are not undercut by others.

Poor standards have a human cost

- **Reframe** the **cost** of business due diligence as a **moral choice**: Arguing that a more thorough supply chain investigation would require too high a cost is equivalent to accepting human suffering for lower prices.

- **Cross-party and cross-sector collaboration** is important when dealing with **politically sensitive issues**. It puts external **pressure** on party leaders and governments to consider proposals.
- **All Party Parliamentary Groups (APPGs)** provide a useful forum for parliamentarians from all parties and stakeholders to **collaborate** on matters of **shared interest**.
- **Proactive media and social media campaigns** can **raise awareness** of existing laws, individual rights, and legislative proposals.
 - Use **clear language** to describe the **benefits** of changing legislation.
 - Focus the **media's attention** on an issue to create external **pressure**, helping to ensure that governments deliver on **assurances** and parliaments **complete the passage** of legislation.
- **Community outreach and engagement** can **increase citizen awareness** of the issues and **encourage victims** to come forward.
 - Consider provisions to enhance engagement with **rural communities**.
 - Form **alliances** with **community** and **religious leaders**; these figures are often best placed to spread messaging among hard-to-reach segments of communities.



TAKING ACTION

03

Parliamentarians developed new legislative proposals to strengthen legislation on modern slavery in supply in chains. Additionally, they produced action plans outlining key milestones, expected time frames and challenges.

Some delegates planned to introduce comprehensive new laws, while others planned to amend existing legislation such as their company law or create new regulations to accompany those existing laws. Objectives included:

- Achieving greater transparency in supply chains.
- Increasing levels of corporate responsibility and accountability for the welfare of workers through new reporting requirements.
- Creating more robust enforcement mechanisms.
- Enhancing protections for domestic and migrant workers.



NEXT STEPS

04

CPA UK will work with Commonwealth parliamentarians to support them in delivering on their action plans.

We will build on networks established at the seminar and continue to facilitate peer-to-peer learning.

Subject to further funding, CPA UK hopes to extend the project into a third year, bringing Commonwealth parliamentarians together again to consider ways to strengthen actions to address exploitation and modern slavery in supply chains.



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