

MODERN SLAVERY

The [Commonwealth Modern Slavery Act 2018](#) ("the Act") came in to effect on 1 January 2019. The Act established a national Modern Slavery Reporting Requirement for large businesses and entities operating in the Australian market.

Certain entities are required to publish annual Modern Slavery Statements detailing their actions to address modern slavery risks. This is intended to increase business awareness of modern slavery, reduce modern slavery risks in Australian goods and services, and drive improvement to workplace standards and practices.

What is modern slavery?

The term modern slavery is used to describe situations where coercion, threats or deception are used to exploit victims and undermine or deprive them of their freedom. Modern slavery is only used to describe serious exploitation and does not include practices like substandard working conditions or underpayment of workers. However, these practices are illegal and harmful and may be present in some situations of modern slavery. These practices may also escalate into modern slavery if not addressed.

Who is required to report? See Modern Slavery Act 2018 s.5

Your entity will need to report under the Act if it:

- > has an annual revenue of AU\$100 million or more AND is either:
- > an Australian entity at any time in that reporting period OR
- > a foreign entity operating in Australia at any time in that reporting period.

If an entity is not required to report, it is still able to provide a voluntary statement. All statements will be made publicly available in an online register.

What is the reporting requirement? See Modern Slavery Act 2018 s.16

You must comply with the reporting requirement if your entity is required to report under the Act. The following are mandatory criteria to be included in Modern Slavery Statements:

(1) A modern slavery statement must, in relation to each reporting entity covered by the statement:

- (a) identify the reporting entity;
- (b) describe the structure, operations and supply chains of the reporting entity;
- (c) describe the risks of modern slavery practices in the operations and supply chains of the reporting entity, and any entities the reporting entity owns or controls;
- (d) describe the actions taken by the reporting entity and any entity that the reporting entity owns or controls, to assess and address those risks, including due diligence and remediation processes (e.g. actions taken by an entity may include the development of policies and processes to address modern slavery risks, and providing training for staff about modern slavery);
- (e) describe how the reporting entity assesses the effectiveness of such actions;
- (f) describe the process of consultation with:

- (i) any entities that the reporting entity owns or controls; and
- (ii) in the case of a reporting entity covered by a joint modern slavery statement—the entity giving the statement; and
- (g) include any other information the reporting entity, or the entity giving the statement, considers relevant.

Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

There have been numerous incidences where the Victorian Chamber has saved a business considerable time and money by assisting in the redundancy process. Restructures leading to redundancies can be a complex area of workplace relations, and there are a number of potential risks for employers to be aware of. In the context of a redundancy strategy, employees may still claim an entitlement to severance payments or be able to bring a discrimination claim against their employer, even if they remain employed in a post-restructure position, which makes this area especially problematic.

We highly recommend you consider seeking assistance in determining a restructure strategy that ensures, as far as possible, that the process is dealt with in accordance with the legislative requirements.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on **(03) 8662 5222**.

Disclaimer

The information contained in this document has been prepared by the Victorian Chamber of Commerce and Industry in this format for the convenience and benefit of its members and is provided as a source of information only. The Victorian Chamber does not accept responsibility for the accuracy of the information or its relevance or applicability in particular circumstances. The information does not constitute, and should not be relied on, as legal or other professional advice about the content and does not reflect the opinion of the Victorian Chamber, its employees or agents. The Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of the Victorian Chamber or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in this communication. Without limiting the generality of this disclaimer, no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any consequential or other forms of loss. If you are uncertain about the application of this information in your own circumstances you should obtain specific advice.