



Attachment H – Modern Slavery

People Panel Professional Contractor Services

Note to Tenderers:

The Tender Response Questionnaire, in the 360 Public Portal, contains a series of questions that once completed and submitted will form the Tenderer's Tender.

The Tender Response Questionnaire contains a number of sections that are represented by tabs on top of each page. The information required in the section (tab) on Modern Slavery is summarised below. Further information is available through guidance notes in the Tender Response Questionnaire and in **Attachment D – Information and Guidance about the Tender Response Questionnaire**.

Tenderer Modern Slavery Risk Supplier Questionnaire – Identifying Modern Slavery risks

This Modern Slavery Risk Questionnaire is a tool to assist Finance and their Tenderer to:

- identify and assess possible Modern Slavery risks for this procurement;
- identify mitigation efforts to combat the risk of Modern Slavery in procurement, and
- foster collaboration to address these risks.

Tenderers are asked to complete the Modern Slavery Risk Questionnaire honestly and with as much detail as possible. Completed Questionnaires will be confidential and will not be shared beyond the Australian Government.

A glossary of key terms is at **Appendix A – Glossary** to assist Tenderers to complete the Questionnaire.

Further information on identifying and assessing Modern Slavery risks in supply chains and operations can be found in the Australian Government's [Modern Slavery Act 2018 – Guidance for Reporting Entities](#).

Background:

Modern Slavery refers to a range of serious forms of exploitation, including forced labour, debt bondage, human trafficking, and slavery. These practices are serious crimes, grave abuses of human rights and have devastating impacts on survivors.

The Australian Government's landmark *Modern Slavery Act (Cth) 2018* (the Act) aims to change the way entities do business to reduce the risk that the goods and services we use every day are the product of Modern Slavery.

The Act requires that the Commonwealth prepare a Modern Slavery statement, for a reporting period, covering all non corporate Commonwealth entities within the meaning of the *Public Governance, Performance and Accountability Act 2013* (Cth). As part of this non-Corporate Commonwealth entities including Finance must manage, monitor and report on modern slavery risks. This Questionnaire assists Finance with this as a tool to identify and assess possible modern slavery risks related to this procurement.

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- (a) Tenderer to indicate if the organisation is required to report under the *Modern Slavery Act (Cth) 2018* and attach a copy of the Modern Slavery statement(s);
- (b) Tenderer to specify how much visibility they have over their supply chain;
- (c) Tenderer is to indicate if they have a policy or policies in place to deal with Modern Slavery;
 - i. If yes, Tenderer is to provide details of, or a copy of, the policy or policies, including information on whether the organisation has a system to monitor compliance with these policies;
 - ii. If no, Tenderer to provide information on what the organisation is doing, or plans to do, to manage Modern Slavery risks.
- (d) Tenderer to indicate if they have a person or team responsible for overseeing Modern Slavery risks (including record keeping regarding contractors and subcontractors) that arise in relation to the goods or services that they deliver;
 - i. If yes, Tenderer to provide a description of the role and responsibility of that person/team.
- (e) Tenderer to indicate if staff in their organisation are trained on how to identify, assess and respond to Modern Slavery risks;
 - i. If yes, Tenderer is to describe the nature of the training available and the positions or roles of staff that receive training;
 - ii. If no, Tenderer is to indicate if their organisation plans to introduce Modern Slavery risk training for staff.
- (f) Tenderer to indicate if they perform screening of all prospective suppliers to assess the risks of Modern Slavery or other human rights harms that may occur in its operations and supply chains;
 - i. If yes, Tenderer to describe how they perform this screening;
 - ii. If no, Tenderer to indicate if they plan to introduce measures to screen prospective suppliers for Modern Slavery risks in future.
- (g) Tenderer to indicate if they are aware of low-skilled migrant workers working in your organisation's supply chains;
 - i. If yes, Tenderer to provide information about where in the organisation's supply chain low-skilled migrant workers are employed.
- (h) Tenderer to describe how their organisation would respond to any allegation of Modern Slavery or substandard working conditions in its operations or supply chains;
- (i) Tenderer is to indicate if they engage in any other due diligence activities to identify, prevent, and mitigate risks specific to Modern Slavery in its operations and supply chains;
 - i. If yes, Tenderer is to describe the activities.

Appendix A – Glossary

| Term | Explanation |
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| Child labour | <p>Child labour, in accordance with the definition used by the International Labour Organisation, is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:</p> <ul style="list-style-type: none"> • is mentally, physically, socially or morally dangerous and harmful to children; and/or • interferes with their schooling by: <ul style="list-style-type: none"> ○ depriving them of the opportunity to attend school; ○ obliging them to leave school prematurely; or ○ requiring them to attempt to combine school attendance with excessively long and heavy work. <p>A child is defined as a person below the age of 18.</p> <p>Child labour has three categories:</p> <ol style="list-style-type: none"> 1) The unconditional worst forms of child labour, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution or pornography, and illicit activities. 2) Labour performed by a child who is under the minimum age specified for that kind of work (as defined by national legislation, in accordance with accepted international standards), and that is this likely to impede the child's education and full development. 3) Labour that jeopardises the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out, known as "hazardous work". |
| Commercial sex act | Commercial sex act is defined as any sex act on account of which anything of value is given to or received by any person. |
| Debt bondage | Debt bondage describes situations where the victim's services are pledged as security for a debt and the debt is manifestly excessive or the victim's services are not applied to liquidate the debt, or the length and nature of the services are not limited and defined. |
| Deceptive recruiting for labour services | Deceptive recruiting for labour services describes the situations where the victim is deceived about whether they will be exploited through a type of Modern Slavery. |
| Due diligence | Due diligence describes the process organisations take to identify, prevent, mitigate and account for how they address their impacts on slavery and human trafficking. |
| Forced labour | Forced labour describes situations where the victim is either not free to stop working or not free to leave their place of work. |
| Forced marriage | Forced marriage describes situations where coercion, threats or deception are used to make a victim marry or where the victim does not understand or is incapable of understanding the nature and effect of the marriage ceremony. |

Attachment H – Tenderer's Modern Slavery Questionnaire
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| Modern slavery | The <i>Modern Slavery Act (Cth) 2018</i> (the Act) defines Modern Slavery a term 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. It does not include practices like substandard working conditions or underpayment of workers. The Act defines Modern Slavery as including eight types of serious exploitation: trafficking in persons; slavery; servitude; forced marriage; forced labour; debt bondage; deceptive recruiting for labour services; and the worst forms of child labour. |
| Migrant worker | Migrant workers are people who leave home to find work outside of their hometown or home country. Migrant workers include both foreign and domestic (internal) migrant workers. |
| Organisation | Organisation is a person or group that has its own functions with responsibilities, authorities and relationships to achieve its objectives. The concept of organisation includes, but is not limited to, sole-trader, company, corporation, firm, enterprise, authority, partnership, association, charity or institution, or part or combination thereof, whether incorporated or not, public or private. |
| Policy | A policy refers to documented guidelines or rules of conduct within an organisation. Human rights-related policies generally fall into two categories: stand-alone statements and policies that are integrated within an organisation's wider standards literature (e.g., Worker codes of conduct and ethical sourcing standards). |
| Recruiter | A recruiter refers to both private and public entities that offer Professional Contractor recruitment services. Recruiters – variously referred to as contractor intermediaries, middlemen, contractor brokers, and recruitment agents, among other terms – recruit, hire and/or manage workers. |
| Servitude | Describes situations where the victim's personal freedom is significantly restricted, and they are not free to stop working or leave their place of work. |
| Slavery | Describes situations where the offender exercises powers of ownership over the victim, including the power to make a person an object of purchase and use their Professional Contractor Services in an unrestricted way. |
| Supplier | A supplier is defined as an organisation or person that provides a product or service used in your supply chain. The supplier can have a direct or indirect relationship with your organisation. Examples of suppliers are; brokers, consultants, contractors, distributors, franchisees or licensees, home workers, independent contractors, manufacturers, primary producers, sub-contractors, and wholesalers. |
| Supply chain | A supply chains is defined as a sequence of activities or parties that provides products or services to the organisation. |
| Tier One supplier | A manufacturer who provides products directly to a company without dealing with a middleman or other manufacturers. |
| Trafficking in persons | Trafficking in persons describes the recruitment, harbouring and movement of a person for exploitation through Modern Slavery. |

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| Training | Training can be focused on helping agents better understand organisation policies, how to effectively implement them and ways to avoid Modern Slavery risks associated with inaction. |
| Worker | A person who performs work, including seasonal, contract and other temporary labour. Both employees and independent Professional Contractors are considered workers. |