

Practical steps for you to take...

Who

Identify who will be responsible for this new requirement in your organisation - whilst the MSA does not dictate who in an organisation must be responsible, support from top level management is vital. You should consider who is responsible for:

- initial compliance
- ongoing assessment
- necessary training to the organisation
- dealing with incidents of modern slavery/trafficking that are reported.

Statement?

Consider whether you will need to prepare and publish a statement (and when) - and how this may already fit within any wider compulsory or voluntary reporting currently undertaken by your organisation (and any future reporting that you are already planning for). Also consider how this new requirement fits in with your wider framework around ethical trade, CSR and human rights for example.

When?

Diarise the latest date by which you will need to publish your statement (see our guidance for full details).

Content?

Consider the proposed content of your statement based on the statutory requirements and government guidance.

Allocate resources

Consider what activity you are undertaking to eliminate slavery and human trafficking from your organisation - evaluate the cost / budgeting requirements of this (e.g. training costs) and factor these in to your business planning. Remember that expense can be minimised where relevant training is included as a module in a wider training programme and target training at your higher risk areas where it can have most impact. If employees who are most likely to encounter victims directly are more aware of the indicators of modern slavery and how to report suspected cases, and what actions they can expect the organisation to take, they can flag this to you and help to root it out in a particular business/supply chain.

Risk analysis

Implement risk analysis and supply chain mapping to estimate the risk of slavery and human trafficking in your supply chains - where are your issues most likely to lie? You should consider:

- if you operate in higher risk countries
- the sector you are in
- whether there are transactional risks - banks/financial institutions may be involved in facilitating financing from or supporting cases of modern slavery
- the duration of your business partnerships - for example, in some cases existing long term partnerships may involve less risk.

Contact your suppliers

You should actively seek information from your suppliers:

- look at the information you currently hold about your supply chain
- engage with suppliers to ask for additional information about goods/services supplied
- set up a procedure for direct and indirect suppliers to assess the reliability of information from them
- check the working practices of those you have a direct contractual arrangement with and check your policy on sub-contracting - make it clear that you only allow sub-contracting with your express prior approval or with companies having a zero tolerance to modern slavery and trafficking
- revise any audit regime of suppliers that you might already have in place to add compliance with MSA requirements.

Remember that many human rights violations may not be immediately apparent, as suppliers may go to great lengths to hide them.

Contract audit

Review/amend any existing supply chain contracts to require suppliers to comply with MSA requirements (carefully designed KPIs may assist with this) and ensure that appropriate provisions are inserted into new contracts - but be careful not to make demands of suppliers or sub-contractors that might lead them to violate human rights e.g. late orders, high pressure deadlines.

Policy review

Review your current internal policies and procedures and implement any updates or new policies that are required - for example, ensure slavery and human trafficking is covered in your human rights/CSR policy and amend your whistleblowing policy as required. Whilst you do not have to have a MSA-specific policy, you may find this a useful way to collate your required action points.

Communication

Disseminate updated information about your policies/processes to your organisation - effective communications can be vital in embedding anti-slavery activity into your culture and standard practice.

Training

Plan an appropriate training programme to make employees aware of the MSA requirements and implications for your organisation - train employees how to spot the warning signs of modern slavery and human trafficking and how they should deal with them if they arise. In particular, train those involved in buying/procurement and recruitment if they are likely to be most affected.

Act

Act on your updated risk assessments - implement the measures identified to reduce your risks.

Measures

Regularly review the measures you are taking - track how effective they are and make any necessary improvements - appoint a person to assess risk on an ongoing basis. Be alive to the continuously changing nature of modern slavery and consider whether carefully designed KPIs can help to demonstrate your progress over time in preventing modern slavery in your business and supply chains.

Consider

Consider what measures you should take if your organisation causes or contributes to modern slavery or trafficking - e.g. issuing an apology or compensation.

Be clear

Be clear what measures you will take if you become aware that a supplier is found to be involved in modern slavery/human trafficking. The measures required to be taken depend on the nature of the issue.

Supply chain

Review any statements made by organisations which are part of your supply chain.

Sharing risks

Where appropriate, consider sharing risks with trusted partners such as representative bodies, industry associations and working groups to gain a deeper understanding of issues relevant to your organisation.

how we can help..

We would be happy to discuss whether we can assist your organisation with:

- delivering training to directors/employees
- preparing a 'slavery and human trafficking statement'
- reviewing existing policies and procedures and preparing a MSA-specific policy where required
- conducting an audit of existing contracts and reviewing new contracts to insert requirements obliging suppliers to comply with MSA requirements
- reviewing employment contracts and handbooks.

For more information please contact your usual Browne Jacobson contact or email Laura - laura.mackenzie-mitchell@brownejacobson.com or call +44 (0)121 237 3959.