

**Submission
No 79**

**INQUIRY INTO MODERN SLAVERY ACT 2018 AND
ASSOCIATED MATTERS**

Organisation: Calmar Corps
Date Received: 4 October 2019



Modern Slavery Act NSW Public Consultation Submission

NOTE: We have never forwarded a public submission before, but felt compelled to add our voice to an advocacy and a collaborative body of work that our team feel very passionately about.

We are a Profit for Purpose Tech Start Up and we service and procure for “Commercial Organisations” that will need to produce a statement of compliance. We are often imbedded long term, so our team travel and work intensively within these businesses nationally and internationally.

10% of our profits are channelled into a Capability with Conscience program that fund the work of international NGOs that rescue, rehabilitate and restore survivors of human trafficking. As part of our partner audit process, we physically visit the fields of operations to see our funds in action and to assess their environmental, social, governance and sustainability frameworks. We see, touch and cry with the survivors – so much of our submission is informed by their experiences and what they need to see happen – to make the meaningful changes they deserve.

We are very gratified to be at the forefront of the global agenda to bring an end to the scourge of modern slavery. This Regulation is very much welcomed, and we know it will be a continuous improvement exercise as we all navigate our way around the better way of doing business.

The physical supply chain and procurement processes are well scrutinised in this legislation, but not necessarily the cascading impact of organisational culture and behaviours that contribute and / or exacerbate modern slavery practices.

Schedule 1 [2] amends the definition of *modern slavery offence* in section 5 of the Principal Act to clarify that conduct engaged in elsewhere than in New South Wales is a modern slavery offence, if, had it occurred in New South Wales, it would constitute a modern slavery offence.

How does the MSA treat the following scenarios, with relation to Schedule 1 [2] above?

Scenario 1: A NSW based commercial organisation’s senior Customer Service Manager has spent the last 8 months seconded to their Call Centre based in the Philippines. An anti-human trafficking local NGO, in partnership with PLAN International raided his apartment, after a tip-off. During the raid, he was caught in the act of sexually violating a child under 10 and he was taken to police. In the following days, corrupt police were bribed, and he managed to return back to Sydney, and kept his job.

However, a neighbour next door to the senior Customer Service Manager’s Manila apartment had recorded the event of his arrest on his mobile phone, and forwarded the footage to the NGO, who then it forwarded on to his commercial organisation’s HR dept. During internal investigation, the senior Manager let slip that he had previously been in a similar situation, “and it wasn’t serious as they let him go back to Australia.”

It’s a common experience that after a child trafficking victim has been rescued and rehabilitated, they often cite that a local person or someone known to them tricked them and sold them to a western businessman. What provisions do commercial organisations take to screen and Police Check their employees and managers before sending them overseas to work on the organisation’s behalf? And with the Privacy Act provisions, would employers be allowed to know the details of any convictions recorded against their employee?

Scenario 2: A NSW based commercial organisation’s male employees are in Bangkok for an intra-company work program. During their weekend (and non-work hours), they visit a “ping-pong” bar.

One of the employees had sexual engagement with a child under 14. The others are uncomfortable, but say nothing at the time. They come back to Sydney, and months after – the incident was raised as a joke, and a colleague comments: “What happens in Thailand, stays in Thailand”.



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Schedule 1 [17] provides that the regulations may make provision for or with respect to the manner and form of a voluntary disclosure to the Commissioner by an organisation or body about whether its goods and services are, or may be, a product of supply chains in which modern slavery is taking place and whether the organisation or body has taken steps to address the concern.

How does the MSA treat the following scenario, with relation to Schedule 1 [17] above?

Scenario: A NSW based commercial organisation hosts their Annual Conference in Bali and they request gift bags with branded collateral to be procured on their behalf by the Bali conference providers, the Sydney based company Events Manager only wants the cheapest available gift bag collateral, as she sees most of them get left behind or damaged before the delegates leave back to Sydney. At the same conference, the delegates make jokes that they keep seeing the same hotel staff there from 5am-11pm. “Do they sleep?” The delegates befriend the hotel staff and they find out that they work 110hour weeks, and live in staff dormitories 10 min away from the hotel. Their dormitories are locked from the outside once the 2 staff shifts exchange to stop outside visitors from “harming” the staff inside.