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FACT SHEET



MODERN SLAVERY

Essential Insights for the
Human Resource Profession

INTRODUCTION

It may not be present in your immediate workplace, but it is a lot closer than you might imagine, and increasingly a preoccupation in the boardroom: modern slavery, a global reality that is extending the scope of the in-house human resource practitioner way out into the organisational supply chain.

You may have already dismissed the topic as beyond the relevance of the South African workplace, subject as we are to best practice, well-enforced employment legislation that prohibits human rights abuses. It certainly seems unlikely that slavery exists within any South African enterprise that is of a size sufficient to warrant the employment of a human resource practitioner.



“A toleration of slavery is, in effect, a toleration of inhumanity”

- Granville Sharp, 1769

Our preoccupation as South African HR professionals with the implementation of transformational employment legislation aimed at redressing the human development impediments of apartheid presents the risk that human rights issues which attract a higher profile in other countries, yet requiring our attention, pass us by.

But consider for just a moment the chocolate wrapper in your waste bin (and the child labour possibly involved in harvesting the chocolate's cocoa content), the sparkling sheen of your car's metallic paint or your glamour-look eye shadow (both achieved using the mineral mica, known to be mined in some regions by victims of debt bondage), the many other minerals mined in conflict regions, then used in countries known for the prevalence of forced migrant labour to manufacture the electronic components of your mobile phone.

The truth is that modern slavery exists to some or other extent in both our personal and our business supply chains. In this Fact Sheet we examine this growing phenomenon and its implications for organisations that are concerned with their sustained success in a world that increasingly demands that businesses take responsibility for their direct and indirect human rights impacts. We introduce you to the key concepts, the estimated prevalence, the relevant international guidance texts and legislation, link these back to the South African National HR Management Standards, and finally present you with a comprehensive list of implications and action steps for the in-house HR practitioner. For those who wish to deepen their understanding and application of the theme of this Fact Sheet, we also direct you to a number of carefully-selected resources that will serve you well on your new professional development journey.

1. WHAT IS MODERN SLAVERY?

It may have been outlawed for close on 150 years, but it is believed that more people work in conditions of slavery today than have done at any other time in history. If images of the slave trade of earlier centuries came to mind when you saw this Fact Sheet topic, it is important that we examine the differences and similarities between historic and contemporary definitions of slavery.

Although slavery was defined by Article 1 (1) of the 1926 Slavery Convention¹ that led to its abolition as 'the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised', it is today a concept that we understand as applying to illegal circumstances under which a person is not free to terminate their employment relationship.

While the modern slave may not be legally owned by their employer, they are subject to similarly powerful economic, social and psychological forms of ownership. In this section, we introduce you to the key forms that modern slavery takes, with an emphasis on those most likely to be an unwitting feature of the legitimate business enterprise: 'forced labour', including child labour and debt bondage, and human trafficking for the purposes of forced labour.

It is a fundamental human right not to be subjected to forced labour. A human right is a universal right agreed by the international community under the auspices of the United Nations as being inherent to all human beings. These are rights that we are entitled to without discrimination, regardless of: our nationality (or national and ethnic origin), where we live or our place of residence, our sex, colour, religion, language, or any other status.

Article 4 of the Universal Declaration of Human Rights² states that 'No-one shall be held in slavery or in servitude; slavery and the slave trade shall be prohibited in all their forms'. Article 23 includes the text, 'Everyone has the right...to free choice of employment...'

Universal human rights are typically expressed and guaranteed by law, and international human rights law places obligations on governments to take actions to promote and protect human rights. Increasingly today, the obligation to act to promote and protect human rights extends to both civil society and business organisations.

While universal human rights include rights related to the conditions under which we labour, it is agreed by the International Labour Organisation (ILO)³ that the definition of modern slavery excludes poor or exploitative working conditions where the affected employees are not prevented by their employer from terminating their services.

¹ United Nations Human Rights Officer of the Commissioner, The Slavery Convention of 25 September 1926, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>

² United Nations, 'Universal Declaration of Human Rights', 10 December 1948, [http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217\(III\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217(III))

³ International Labour Organisation, 10 March 2014, The meanings of Forced Labour, http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm

1.1. Forced Labour

The ILO defines forced labour as ‘all work or service that is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily’⁴.

Forced labour is typically achieved using one or a number of the following means: abuse of vulnerability, intimidation and threats, deception, restriction of movement, isolation, withholding of wages, debt bondage, physical and sexual violence, and the retention of identity and travel documents.

It is often associated with abusive working and living conditions, but as the ILO reminds us, poor working conditions in themselves do not constitute modern slavery. Under forced labour, workers are treated as commodities, typically under threat of punishment, and are not free to leave their ‘employment relationship’. They are deprived of their freedom for the personal or financial gain of their exploiters.

People working in forced labour may or may not also be victims of human trafficking, and may also constitute child labour, two aspects of modern slavery to which we now turn our attention.

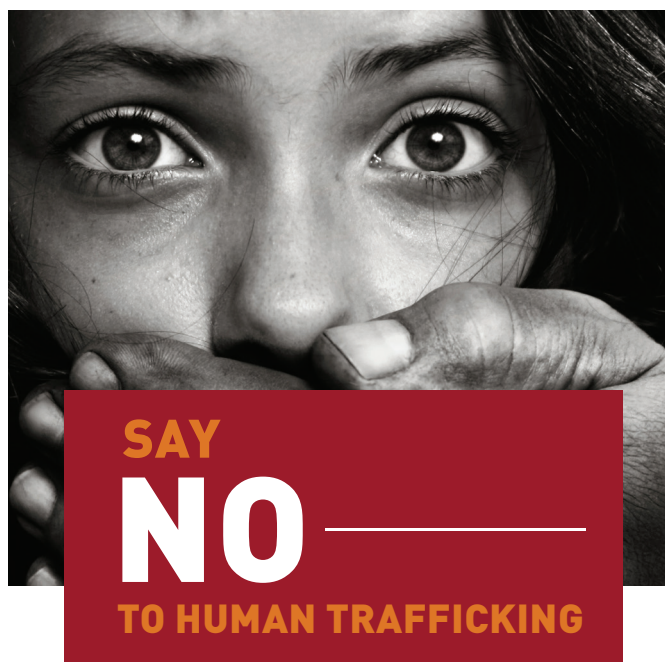
1.2. Human Trafficking

Human trafficking is now classified as the third largest international criminal enterprise, surpassed only by the illegal drug trade and the illegal arms industry⁵. It is the forcing or manipulating of people against their will into exploitative situations, be this within their own countries or involving cross-border movement.

Often, a person seeking better living conditions

or opportunities in another town or country is deceived into travel arrangements, and offers of seemingly legitimate and desirable employment, which then turn out to be anything but that promised.

While estimates are that around 58% of victims are trafficked for purposes of sexual exploitation, it is thought that up to 36% of trafficking is for forced labour⁶.



1.3. Child Labour

A child is a person under the age of 18, and the minimum age at which a child can undertake work is generally considered to be 15, although this minimum is set as 16 in 35 countries and at 14 in another 47. Although there has been a decrease in prevalence over time, the ILO estimated in 2012 that there were in the region of 168 million child workers globally.

If children are allowed to work once they have reached the minimum age, what then constitutes ‘child labour’?

⁴ LexisNexis website, ‘About Human Trafficking’, <http://www.lexisnexis.co.za/ruleoflaw/about-human-trafficking.aspx>

⁵ Politifact, Jon Greenberg, 26 July 2016, ‘Yes, human trafficking ranks No. 3 in world crime’, <http://www.politifact.com/truth-o-meter/statements/2016/jul/26/amy-klobuchar/yes-human-trafficking-ranks-3-world-crime/>

⁶ LexisNexis website, ‘About Human Trafficking’, <http://www.lexisnexis.co.za/ruleoflaw/about-human-trafficking.aspx>



- image from the Rainforest Alliance video 'From the Experts: Child Labor and the Cocoa Industry'⁷

In certain communities, countries and sectors, work undertaken by children is considered reasonable, and as making a positive contribution to the child's development. Child labour, as opposed to child work, involves conditions that are considered hazardous to the cognitive, physical, educational and psychological development of the child. Given the significant number of children that both work and labour around the world, experts in this field tend to focus on identifying and intervening in what they refer to as the 'worst forms of child labour'.

If you wish to take a hard and fast approach to the demerits of child labour, you may have to give up chocolate – possibly forever. The essential ingredient, cocoa, is in worldwide short supply but most prolifically grown by smallholder farmers in Ivory Coast – smallholders whose children labour for at least some part of the day in the fields.

⁷ Rainforest Alliance, 'From the Experts: Child Labor and the Cocoa Industry', <https://vimeo.com/63765459>



WHAT IS A
CHILD
WORTH?

Light duty not exceeding 14 hours per week by children over the age of 15 is not considered child labour. However, in need of a greater labour supply than immediately available, children may also be trafficked from neighbouring countries into Ivory Coast and find themselves working in hazardous, slave-like conditions.

We know this because confectionary manufacturer Nestlé itself recently commissioned a study of the prevalence of child labour in its supply chain, and have publically confirmed it as a reality⁸, notwithstanding its long-standing policy against the practice.

A Guardian newspaper report in September 2015 quoted a Nestlé spokesperson as saying⁹:

'To date we have identified 3,933 children working on their family farms (around 10% of the children surveyed) who were involved in hazardous tasks classified as child labour. We have included half of them in our Child Labour Monitoring and Remediation System, which includes providing school kits, obtaining birth certificates and developing income generating activities for the families of 312 identified children. Unfortunately, the scale and complexity of the issue is such that no company sourcing cocoa from Ivory Coast can guarantee that it has completely removed the risk of child labour from its supply chain.'

⁸ The Guardian, 'Child labour on Nestlé farms: chocolate giant's problems continue', 2 September 2015, https://www.theguardian.com/global-development-professionals-network/2015/sep/02/child-labour-on-nestle-farms-chocolate-giants-problems-continue?CMP=share_btn_link

⁹ The Guardian, 'Child labour on Nestlé farms: chocolate giant's problems continue', https://www.theguardian.com/global-development-professionals-network/2015/sep/02/child-labour-on-nestle-farms-chocolate-giants-problems-continue?CMP=share_btn_link

The last sentence quoted by the Nestlé spokesperson bears repeating: ‘the scale and complexity of the issue is such that no company sourcing cocoa from Ivory Coast can guarantee that it has completely removed the risk of child labour from its supply chain’.

Agriculture may be one of the primary industries in which child labour is found, but is by no means the only one. Certainly, the parents of children working part-time, who ensure that their children attend school for part of the day and work within their age-appropriate physical limits without being exposed to hazardous tools and chemicals, do not classify as perpetrators of the ‘worst forms of child labour’. That dubious honour is more fitting for those who allow parents living in poverty to get into unserviceable levels of debt and then require that they provide their children as labour in illegal mines – which brings us to the topic of debt bondage.

1.4. Debt Bondage

Debt bondage, also referred to as bonded labour, is a condition in which a person has either agreed to serve, or agreed for someone under their control, such as their child, to serve another party, in return for the repayment of a loan or debt, and in which the fair value of the labour is not applied to the reduction of the debt. The consequence is that the debt continues to accumulate as does the period of indebtedness being serviced through labour.

The debt may be a loan that was given by a human trafficker posing as a recruitment agent, in return for what the victim understood to be a recruitment fee and travel costs associated with a legitimate job opportunity. In other instances, unscrupulous loan sharks actively foster unmanageable indebtedness on

the part of people living in poverty, and then require that they or their children labour – for an indeterminate period – to service the debt. Mica, the sparkly mineral that gives us our metallic car paint and shiny eye-shadow, is mined in a combination of legal and illegal mines in India, and according to recent reports¹⁰ a significant minority of it is mined by children labouring to service debt that should never have been extended to their poverty-stricken families in the first instance. Of course, neither BMW nor Vauxhall have any intention of supporting child labour and so only purchase mica from reputable suppliers. However, the human rights abuse in question has occurred at the level of the supplier’s supplier or perhaps of that second-tier supplier’s supplier, and through corrupt means the mica finds its way into ostensibly reputable and legitimate supply chains. You could call it ‘mineral laundering’!

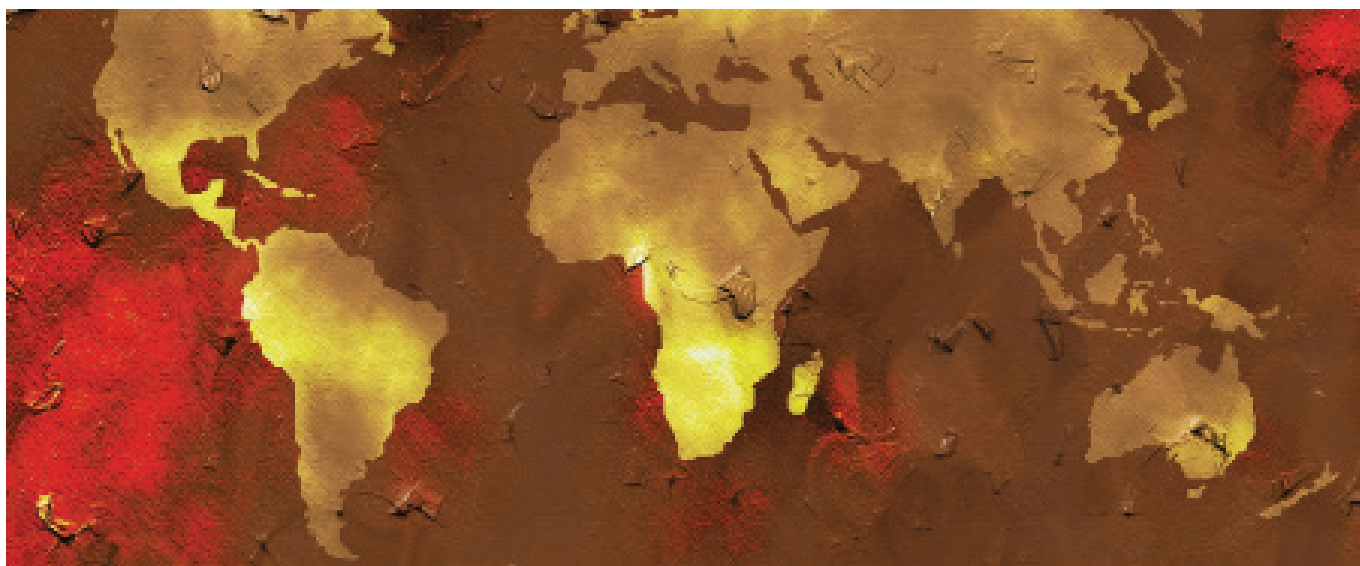
At the time of writing this Fact Sheet, both Samsung and Panasonic were investigating allegations of modern slavery in their supply chains reported in November 2016 by the Guardian¹¹. The report claims that migrant Nepalese workers in Malaysia had been deceived as to the wage rate they would earn, had paid large sums to recruitment agents in violation of the Electronic Industry Citizenship Coalition (EICC) to which both Samsung and Panasonic are signatories, had their passports confiscated, and would need to pay in an amount equal to three months’ pay if they wished to leave their employment.

¹⁰ Peter Bengtson and Annie Kelly, The Guardian, ‘Vauxhall and BMW among car firms linked to child labour over glittery mica paint’: 28 July 2016: https://www.theguardian.com/global-development/2016/jul/28/vauxhall-bmw-car-firms-linked-child-labour-mica?CMP=Share_iOSApp_Other

¹¹ The Guardian, Pete Pattison, ‘Samsung and Panasonic accused over supply chain labour abuses in Malaysia’, 21 November 2016: <https://www.theguardian.com/global-development/2016/nov/21/samsung-panasonic-accused-over-supply-chain-labour-abuses-malaysia>

1.5. Other forms of Modern Slavery

In this Fact Sheet we focus our attention on those aspects of modern slavery most likely to exist in a corporate supply chain. Sadly, modern slavery takes many other forms that should not be forgotten but which are beyond the scope of this discussion: trafficking and/or forced labour for the purposes of sex work, forced begging, domestic servitude, forced marriage, forced adoption, child soldiering and organ harvesting.



2. THE PREVALENCE OF MODERN SLAVERY

For many reasons, the prevalence estimates that you will encounter will vary significantly. Obtaining accurate information on the prevalence of modern slavery is difficult, in no small part since it is by and large a hidden crime.

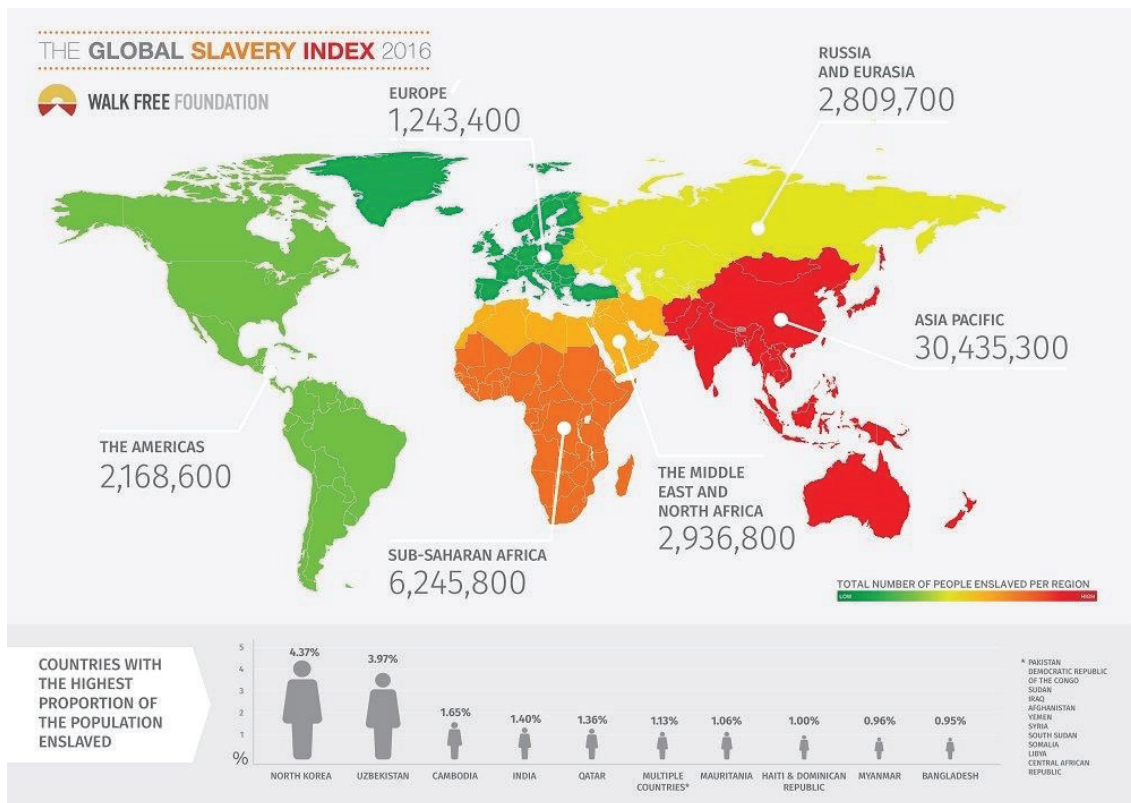
2.1. The challenge of estimating prevalence

The ILO estimates that there are some 20.9 million people in forced labour globally¹². Of these, the ILO believes that 18.7 million (or 90%) are exploited in the private economy by individuals or enterprises, particularly in the construction, manufacturing, mining, utilities, agriculture, forestry, fishing and domestic work sectors. Approximately 11.4 million are women and girls while 9.5 million are men and boys. Excluded from these statistics are projected numbers involved in forced marriage and adoption, or in trafficking for organ harvesting.

In contrast, the 2016 Global Slavery Index by the Walk Free Foundation, which includes those forced into marriage, estimates that there are 45.8 million people in modern slavery across the world today.

¹² International Labour Organisation, 'Combating Forced Labour – A guide for employers and business', 2015, http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm

FIGURE 1: ESTIMATED NUMBERS OF PEOPLE IN SLAVERY – WALK FREE FOUNDATION GLOBAL SLAVERY INDEX 2016



Where different definitions of modern slavery are used, it is inevitable that prevalence estimates will vary. Even if identical definitions were used, the data gathering challenges associated with a largely subversive activity give rise to significant research methodology limitations. Organisations such as the ILO and the Walk Free Foundation collect their own data and then supplement this with results of other surveys, before extrapolating these numbers to total populations that are expressed as the number of victims per thousand inhabitants of a country.

The comprehensive reports published by both these organisations, together with the Trafficking in Persons report issued by the US State Department, are invaluable tools to businesses in their modern slavery risk assessment processes and are discussed later in this Fact Sheet. It is however important that we recognise the methodological challenges that exist and should temper the reliability that is placed on any single report. It is also to be expected that where statistics are used for focusing attention, mobilising action and motivating support, writers will be drawn to the higher end of a range of estimates.

In South Africa, for example, AfricaCheck, an organisation which promotes accuracy in public debate and the media, has questioned a statistic quoted for some time by the Salvation Army, that there are 30 000 victims of modern slavery in South Africa. These statistics have been repeated over and over again by secondary media sources, likely on a 'cut and paste' basis, and have over time become a widely-accepted 'fact'.

13 Walk Free Foundation, The Global Slavery Index 2016, <http://assets.globallslaveryindex.org/downloads/Global+Slavery+Index+2016.pdf>

Having said that, the Salvation Army is one of the few local organisations dedicated to supporting the victims of modern slavery and is certainly in a position to offer a deep insight into the traumatic and tortuous experiences of those trafficked within and through South Africa.

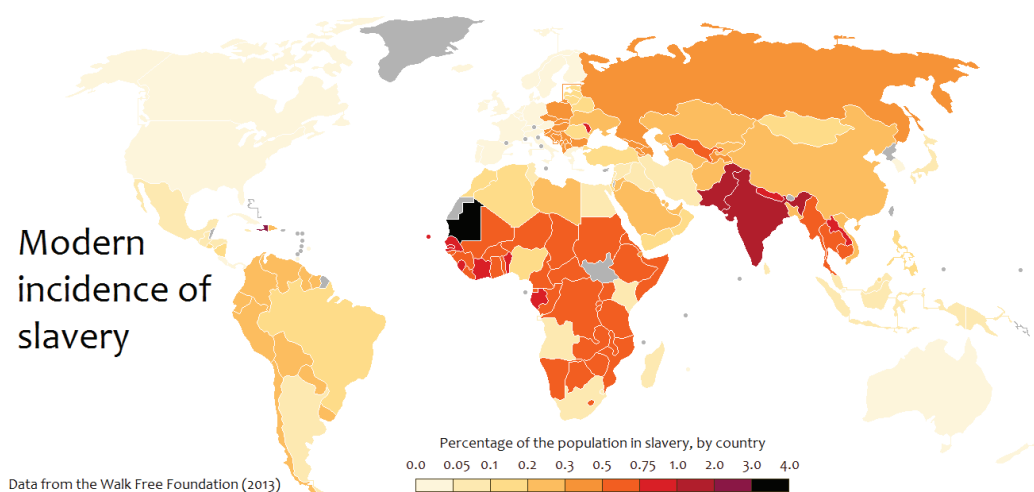
How many victims constitute enough to warrant strong action? One perspective comes from the UK, where the government recently announced that it was making the fight against modern slavery, which it estimates as affecting 13 000 victims in the country, a major priority for 2017 – to the extent that it was allocating over £40 million to the initiative.

2.2. Modern slavery around the world

While it is agreed that there are no countries in the world that can declare themselves free of modern slavery in at least one of its forms, there are distinct differences in prevalence in different parts of the world.

Prevalence levels tend to be shown in world ‘heat maps’ like the one below, published by the Walk Free Foundation. The deeper the colour, the higher the incidence of the phenomenon. The graphic highlights what the ILO reports: the largest percentage of the world’s citizens in slavery today, 11.7 million or 56% are in the Asia-Pacific region.

FIGURE 2: ESTIMATED PERCENTAGE OF POPULATION IN SLAVERY BY COUNTRY (2013)¹⁴



According to the ILO, Africa is home to the second largest prevalence after the Asia-Pacific region, with 3.7 million or 18% of the world’s people living in slavery, with Latin America third with 1.8 million or 9%.

Certainly, if your eye is immediately drawn to the African continent, you will see at a glance that a significant percentage of the world’s modern slavery occurs in Sub-Saharan Africa. You will also be pleased to see that the estimated prevalence in South Africa is at the lower end of the range in Africa. In fact, on a scale from highest prevalence to lowest, South Africa is ranked by Walk Free’s Global Slavery Index well down at 115 of the 162 countries studied.

¹⁴ Walk Free Foundation, The Global Slavery Index 2013, http://www.ungift.org/doc/knowledgehub/resource-centre/2013/GlobalSlaveryIndex_2013_Download_WEB1.pdf

There are however four African countries in the top 10 for global prevalence: Benin, Côte d'Ivoire, Gambia and Gabon. Closer to home, Malawi is ranked at 33, Zambia at 40, Zimbabwe at 45, Nigeria at 48, Kenya at 102 and Swaziland at 126. While prevalence statistics rank countries by the number of people deemed to be in slavery per 1000 citizens, the absolute numbers (the actual number of people considered enslaved in a country), place African countries Nigeria, Ethiopia and the Democratic Republic of Congo in the global top 10.

3. KEY INTERNATIONAL GUIDANCE TEXTS AND NATIONAL LEGISLATION

In this section, we consider a range of resources and regulations that the human resource practitioner needs to become familiar with in the context of the topic of modern slavery:

- important 'guidance texts' issued by international organisations of which South Africa, together with all other countries you are likely to do business with, is a member state.
- relevant laws of countries such as the United Kingdom (UK) and United States (US), that have implications for businesses around the world and that are serving as precedents for the development of similar legislation in other countries.
- national legislation related to modern slavery and related to human trafficking with direct implications for South African businesses.

3.1. Guidance texts issued by international multilateral organisations

While international guidance texts may not be legally binding on your business, they tend to influence and inform both the binding statutes that member states legislate and the expectations and attitudes that the broader stakeholder community has towards your business standards.

3.1.1. The UN Global Compact

The Global Compact was formed in 2000 when the UN Secretary-General invited business leaders at the World Economic Forum to join an international initiative that would bring business and the network of UN agencies, labour and civil society together to advance responsible corporate citizenship, tackle the challenges of globalisation and help to achieve a more sustainable and inclusive global economy.

This is a voluntary initiative rather than a regulatory instrument and does not enforce actions, relying instead on public accountability, transparency and what it refers to as 'the enlightened self-interest' of companies. Six UN agencies, including the ILO, the UN Development Programme (UNDP) and the UN Organisation on Drugs and Crime (UNODC) form part of the network.

The Compact asks businesses to adopt a set of core values and to apply these within their spheres of influence. The core values are expressed in 10 principles that address the areas of human rights, labour standards, the environment and anti-corruption. Of the 10 principles, this Fact Sheet is of relevance to Principle 1, that business should support and respect the protection of international human rights within their sphere of influence, and Principle 2, that business should ensure that it is not complicit in human rights abuses. Principle 4 requires that business should uphold the elimination of all forms of forced and compulsory labour, while Principle 5 calls for the effective abolition of child labour.'

Learn more about the principles of and participation in the Global Compact at:

<https://www.unglobalcompact.org/>

3.1.2. The UN Guiding Principles on Business and Human Rights

Generally referred to as 'the Guiding Principles', the UN Guiding Principles on Business and Human Rights is a guidance text that should never be far from the mind or reach of human resource practitioners the world over. This is because it is the authoritative global standard on the role of business in addressing the risk of adverse human rights impacts arising from business activities. It has implications for business practices well beyond the subject of modern slavery.

The most important thing you need to know about the Guiding Principles is that they are based on what is called the three-pillar framework of 'Protect, Respect and Remedy':

- **Protect:** The duty to protect is the responsibility of the state, which is expected to provide a national framework that requires that all parties, including businesses, avoid the abuse of the citizens' human rights.
- **Respect:** This is the corporate or business responsibility to respect and avoid infringing upon human rights, and to address any adverse human rights impacts that occur as a result of their activities.
- **Remedy:** Victims must have access to remedy. It is the responsibility of government, civil society and business stakeholders to give victims access to mechanisms, both legal and otherwise, that will address and redress adverse human rights impacts caused by business.

Download and save the UN Guiding Principles on Business and Human Rights from:

<https://business-humanrights.org/en/un-guiding-principles>

3.1.3. The Sustainable Development Goals (SDGs)

Adopted at a UN summit in 2015, the Sustainable Development Goals follow on from and expand upon the Millennium Development Goals (MDGs). The SDGs represent a new, universal set of goals, targets and indicators that UN member states such as South Africa are expected to use to guide their policies and programmes between 2016 and 2030.

SDG 8, 'Promote inclusive and sustainable economic growth, employment and decent work', has 12 targets, of which the seventh is of direct relevance to the private sector and modern slavery. It states: 'Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.'

Learn more about SDG 8 and all the other SDGs at:

<http://www.un.org/sustainabledevelopment/sustainable-development-goals/>

3.1.4. The Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises

The 'OECD Guidelines' are recommendations for voluntary principles and standards of responsible business conduct, including in areas related to modern slavery. The Guidelines were adopted in 1976 but updated in 2011 to align them with the UN Guiding Principles.

Governments that are member states of the OECD are influenced by the Guidelines in their encouragement of business to make a positive contribution to global sustainable development and social progress. The Guidelines are an invaluable resource to businesses regardless of whether their country is an OECD member state.

Download the OECD Guidelines for Multinational Enterprises at:

<http://www.oecd.org/corporate/mne/1922428.pdf>

3.2. Specific legislation against modern slavery

There are two key points to take from the legislation that we now introduce you to:

- Laws of a given country can have what is called extra-territorial reach, that is, they can place obligations upon their individual and corporate citizens when they are acting in other countries, and they can place obligations on such citizens of other countries if they do business in or with parties from the legislating country.
- Laws that aim to stop modern slavery share a focus on requiring businesses to take responsibility for actions not only in their direct business, but also in their entire supply chains.

Together these two points mean that the following laws may well have application to and implications for you, even if you are a South African-owned business operating on the tip of Africa.

3.2.1. California Transparency in Supply Chains Act

This was the first law passed in the world requiring businesses that meet specified criteria to disclose their efforts to combat slavery in their supply chains. Signed into law in October 2010 and effective January 2012, the California Transparency in Supply Chains Act requires retailers and manufacturers with an annual global turnover of more than US\$100 million and do business in California to make such disclosures. Despite being in the early stages of enforcement, this Act is considered of global importance, particularly for its role as a forerunner to the more recent UK Modern Slavery Act¹⁸.

Learn more about the California Transparency in Supply Chains Act from the US Department of Labor's website at:

<https://www.dol.gov/ilab/child-forced-labor/California-Transparency-in-Supply-Chains-Act.htm>

3.2.2. UK Modern Slavery Act of 2015

The UK Modern Slavery Act came into effect on 29 October 2015, with the goal of tackling slavery in the UK by strengthening law enforcement measures and ensuring that victims receive enhanced protection and support.

Of relevance to our discussion is Section 54 of the Act, a provision that calls for transparency in the supply chain of businesses. It requires commercial organisations operating in the UK, with an annual turnover of £36 million or more, to prepare an annual statement on the steps the company has taken, if any, to ensure slavery and human trafficking is not happening in its own business and supply chains. The statement requires board approval and must be published on the home page of the company's website. This provision means that the Act extends its influence beyond the borders of the UK and serves to combat slavery around the world.

¹⁸ Legislation.gov.uk, The Modern Slavery Act (2015), <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

Find the full text of the UK Modern Slavery Act at

<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

3.3. National legislation against Human Trafficking

In keeping with agreements reached in the UN, specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children¹⁵, effective December 2003, which aimed to facilitate convergence in national approaches on trafficking in persons, countries round the world have passed anti-trafficking legislation.

In this section, we introduce you to the national legislation applicable in the US and in South Africa. As the US law requires the preparation of a global assessment of risk and the issuing of an annual report that you will find of significant value, we turn our attention to that first.

3.3.1. The US Trafficking Victims Protection Act (TVPA)

The TVPA is at the centre of the US' many anti-trafficking laws. It requires the US State Department to issue an annual report ranking countries on their compliance with minimum standards aimed at preventing and combating human trafficking, and it creates mechanisms to protect victims and pursue traffickers.

The Trafficking in Persons (TIP) Report ranks countries on three tiers, with the worst offenders placed on Tier 3 and subject to various sanctions by the US. The ranking serves as an invaluable resource to businesses wishing to assess and manage risk associated with their operations in various countries.

The three tiers include:

- **Tier 1:** Countries fully meeting TVPA minimum standards, which require not that there is no trafficking in a country but that it is acknowledged and efforts are made to address the problem.
- **Tier 2:** Countries whose governments are making significant efforts to meet the standards but do not do so fully now. At Tier 2 there is a sub-category, the so-called Tier 2 'Watch List', where despite efforts being made the number of victims is significant or increasing, or where no evidence of increasing efforts by the government is available.
- **Tier 3:** Countries whose governments not only fail to meet the minimum standards but are also not making significant efforts to do so.

¹⁵ The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons forms part of the UN Convention Against Transnational Organized Crime which can be accessed at: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

Find the TIP Report at

<https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>

and in particular review the excellent narrative descriptions on human trafficking and slavery challenges per country.

The report ranks South Africa as a Tier 2 country, and you should read the full narrative on South Africa, articulating the status quo, its challenges and recommendations, at:

<https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258860.htm>

3.3.2. The South African Prevention and Combating of Trafficking in Persons Act (No 7 of 2013)

As a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, South Africa was required to declare human trafficking a crime and make it punishable by law.

Amongst other provisions, the Act lists the requirements for human trafficking to have occurred, sets out offences and applicable penalties, provides for the accreditation of agencies to support victims and deals with reparation for and repatriation of victims. Although the Act does not deal with obligations on business in general, of relevance to some sectors (road freight, maritime and airlines for example) is Section 9 which deals with the liability of 'carriers'.

Find the Act and review it in detail at: <http://www.justice.gov.za/legislation/acts/2013-007.pdf> - it should be essential reading for all South Africans.

4. COMPANIES EMBRACING THE CHALLENGE OF MODERN SLAVERY

In this section, we give you an insight into the actions being taken by recognised business leaders in the fight against modern slavery. These case examples aim to prompt your thinking as to the type of contribution that may be best suited to your own organisation.

4.1. The hotel group that's training an army of eyes and ears against slavery and trafficking

You may be familiar with the Radisson Blu brand of hotels in South Africa, part of the large US international hotel and travel corporation Carlson, and more specifically its Carlson Rezidor hotel group. Through its various hotel and travel arms, Carlson operates in some 160 countries and employs over 175 000 people.

Marilyn Carlson Nelson (former Chairman and CEO of Carlson) explains that the travel and hospitality industry becomes an unwitting facilitator of human trafficking when airlines and hotels are used to transport and accommodate victims. 'As an industry, we represent a virtual army of eyes and ears when employees are trained about what to watch for and how to report it. In our hotel company, Carlson Rezidor, we have ongoing training for all hotel employees on this topic, so it's become a normal business practice'¹⁶.

4.2. The semiconductor manufacture taking slavery out of your circuit boards

Dutch global semiconductor manufacturer NXP Semiconductors was the winner in the 'Policy and Implementation' category of the inaugural 2016 Thomson Reuters Foundation 'Stop Slavery Award'¹⁷, which aims to give public recognition to businesses that are inspiring examples of integrity, courage and innovation in eradicating forced labour from their supply chains.

The company earned the award for having excelled in its mission to make anti-slavery 'everyone's business' in the company. Its board of directors and chief executive officer sign off on all human trafficking policies and action plans, while the company identifies vulnerable worker populations and conducts training for its suppliers to help them make better purchasing decisions and ensure safe working conditions.

4.3. The computing solutions corporation committed to transparent third-party engagement

Hewlett Packard Enterprise (HPE) was the 2016 winner in the 'Transparency and Response to Challenge' category of the Stop Slavery Award. HPE was recognised for having a long-standing commitment to seeking expert input and engaging openly with outside parties on the risks it had identified in its supply chain. Having recognised a growing risk of forced labour among foreign migrant workers, especially in South East Asia, HPE hosted a series of anti-human trafficking workshops with suppliers and labour agencies from Indonesia, Singapore and Thailand. HPE also collaborated with expert organisations to promote ethical recruitment and combat the exploitation of migrant workers in global supply chains.

¹⁶ US Global Leadership Coalition, Jonathan Ewing, 'This Hotel is Fighting Human Trafficking Like People's Lives are Depending On It', 8 March 2014: <http://www.usglc.org/2014/03/08/this-hotel-is-fighting-human-trafficking-like-peoples-lives-are-depending-on-it/>

¹⁷ Thomson Reuters Foundation Stop Slavery Award: <http://www.stopslaveryaward.com/>

4.4. The companies excelling in transparent reporting

Amongst a growing number of enterprises demonstrating their commitment publicly, the transparent and detailed information reported by Intel and Ford provide inspiring examples that you may like to review:

- **Intel:** <http://www.intel.com/content/www/us/en/policy/policy-human-trafficking-and-slavery.html>
- **Ford:** <http://www.ford.co.uk/experience-ford/SlaveryStatement>

There is a clear theme running through the enterprises receiving public credit for their anti-modern slavery contribution: they are not businesses unaffected by modern slavery, they are those acknowledging the existence of the problem in their supply chains and who are responding in a responsible, constructive and transparent manner.

What's more, this is not a matter that organisations are expected to or even able to walk away from. Depending upon the circumstances, simply terminating a supply arrangement where it is found to be causing adverse human rights impacts can have the effect of worsening the extent of said impacts in the affected region or community. What is expected instead, is that businesses use their leverage with their suppliers to demand that they adopt acceptable employment standards, and that they collaborate with the broader stakeholder community to put in place measures that will enable a sustainable transition towards an improved rather than a worsened future state for affected communities.

5. THE INCORPORATION OF MODERN SLAVERY INTO SUSTAINABILITY REPORTING

In 4.4 above we highlighted examples of businesses that have been recognised for excellent reporting in modern slavery. This introduces a key topic with which the South African human resource practitioner should be well-familiar given the best-practice and evolving requirements set out in the King Report: the critical importance to corporate governance and stakeholder communication of transparency in sustainability reporting.

In this section, we draw your attention to some of the key reporting standards and requirements that your organisation may already or may in future need to comply with, and provide you with references to direct your further understanding of their requirements.

5.1. The Global Reporting Initiative Standard

The Global Reporting Initiative (GRI) is an international independent standards organisation that supports transparency in sustainability reporting by guiding businesses, governments and other organisations to communicate their impacts on issues such as human rights, climate change and corruption.

If your enterprise is required to adhere to the GRI guidelines in its sustainability reporting, in the context of modern slavery you will be particularly interested in reviewing the following standards: GRI 408 (Child Labour), GRI 409 (Forced and Compulsory Labour), and GRI 412 (Human Rights Assessment). You can learn more about the GRI standards at <https://www.globalreporting.org/standards>.

5.2. The UN Guiding Principles Reporting Framework (2017)

In 3.1.2 we introduced you to the UN Guiding Principles on Business and Human Rights and the influential role this document is playing in creating awareness by and advising businesses on their obligations to address any adverse human rights impacts caused through their operations.

We now introduce you to the recently developed UN Guiding Principles Reporting Framework, which are in part informed by and build upon the ground-breaking work of the GRI. In turn we can expect to see increasing harmonisation of the requirements of the GRI with the UN Guiding Principles Reporting Framework, as well as with the Sustainable Development Goals (described in 3.1.3).

Review and download the UN Guiding Principles Reporting Framework, together with the applicable guidance, at http://www.ungpreporting.org/wp-content/uploads/2015/03/UNGPRreportingFramework_withguidance2017.pdf

5.3. UK Modern Slavery Act Reporting Framework

Even if you do not interrogate the full GRI Standards or the UN Guiding Principles Reporting Framework now, you will be interested in the high-level description of reporting content requirements provided for by the UK Modern Slavery Act.

This Act specifies that the statement to be published annually by qualifying enterprises should describe:

- the organisation's structure, its business and its supply chains;
- its policies in relation to slavery and human trafficking;
- its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
- the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
- its effectiveness in ensuring that slavery and human trafficking is not taking place in its business and supply chains, measured against appropriate performance indicators;
- the training about slavery and human trafficking made available to employees.

Of immediate value to the human resource practitioner is the clear guidance that these reporting standards provide as we begin to conceptualise an approach to the challenge of modern slavery within the organisations that we serve.

6. LOCATING A HUMAN RIGHTS FOCUS IN THE NATIONAL HR MANAGEMENT STANDARDS FRAMEWORK

We now return to the question of the relevance of this subject to the human resource professional in South Africa. To answer this, we need first to locate the need for an understanding of and response to modern slavery within the South African National HR Management System Standards Framework and Competency Model.

In this section, we identify those aspects of the framework and competency model with which you are aligning when you accept responsibility for the HR challenges of modern slavery. In the final section of this Fact Sheet we discuss the implications and actions for our actual work as HR practitioners.

We start with the identification of the most applicable elements of the National HR Management System Standards, and as we do so you will readily identify the link between these and our Fact Sheet topic.

- The first element of the National HR Management System Standards is Strategic HR Management, which requires that we analyse both the internal and external socio-economic, political and technological environment of our organisations and provide them with strategic direction for sustainable people practices.
- In HR Management System, Standard Element 3, HR Risk Management, we are called upon to align our HR practices with the organisation's governance, risk and compliance framework, to ensure that appropriate risk assessment practices relating to people factors are embedded in the business, and to contribute to the creating and sustaining of a culture of risk management.
- Depending upon the nature of your business and the extent of the modern slavery challenge it faces, you may find an application for other HR Management Standards such as Standard 4, Workforce Planning, Standard 5, Learning and Development, and Standard 9, Employment Relations Management.

The South African National HR Competency Model provides a foundation for understanding what we as HR professionals should be able to contribute to the organisations that we serve. The competency model consists of four pillars of professionalism, five core competencies and five HR capabilities. If we examine these for relevance to the role of HR in responding to complex global socio-economic and legal matters such as modern slavery, we see as follows:

- Of the four pillars of professionalism, two have a direct relevance. Specifically, Pillar 3, Duty to Society, which is in fact the foundation of the HR competency 'house' and Pillar 4, HR & Business Knowledge, often described as the 'roof' level of the competency house because combining our HR knowledge with business knowledge enables us to contribute at the strategic level of the businesses we serve.
- Of the five HR capabilities that need to be applied to drive business excellence, two are of relevance. These are Capability 1, Strategy (the ability to create a people-driven business strategy in partnership with other executives), and Capability 3, Governance, Risk & Compliance, which calls for a proactive, strategic capability through adherence to governance principles, legislation and the management of HR risks.

Having provided an insight into the nature and prevalence of modern slavery today, reviewed the regulatory requirements that organisations are now challenged with and linked the subject to our National HR Management Standards Model, we turn to some of the implications and practical action steps for the in-house HR practitioner.

7. STRATEGIC IMPLICATIONS AND PRACTICAL ACTION STEPS FOR IN-HOUSE HR

It's time to really understand your business, and to play a truly strategic role in securing its sound reputation and sustainability.

7.1. Know your supply chain

Regardless of the sector in which you work, you need to find out about your organisation's full supply chain, its suppliers and its customers.

- Find out if any of your customers are subject to the requirements of the UK Modern Slavery Act, or similar legislation. This is important as your organisation should prepare to be the subject of human rights due diligence enquiries by those customers. You can support the process of readying your organisation to meet new contractual requirements that these customers may specify and in so doing help to secure a sustained supply relationship with them for your business.
- Find out who your suppliers are, and remember that the next step will be to look beyond the 'first tier' supplier. As we have shown, it is increasingly expected that businesses take responsibility for the human rights impacts of their suppliers' suppliers. The extension of the moral and legal responsibility of a business into its supply chain means that businesses can no longer, in effect, outsource their adverse human rights impacts. If you receive inputs (materials, products or services) into your business that originate in other countries, establish the countries in which your suppliers operate and identify whether any of these are high-risk regions for modern slavery, using the resources that we have recommended.

7.2. Consider whether your business may be vulnerable to use by human traffickers

Do you work in a sector that is vulnerable to use by human traffickers? Typically, the road freight, maritime, airline, hotel and tourism sectors would be amongst those concerned with the ethical implications and the reputational harm of becoming a known, if unwitting, 'facilitator' of trafficking. If the answer is yes, this will have implications for your policy development and training initiatives that we discuss later in this section.

7.3. Build collaborative relationships with other strategic support functions

Achieving human rights compliance necessitates that strong internal co-operation between professionals in strategic in-house support functions becomes the norm. A strong culture of collaboration and mutual respect needs to be developed between those responsible for: governance and compliance, internal audit function, supply-chain management including procurement, and human resources.

It is only through the contribution of all these different specialists that potential human rights compliance risks can be anticipated and identified. Where the business needs to take remedial efforts to reduce identified negative impacts, be these caused directly or indirectly, the measurement of the success of change initiatives requires ongoing attention and incorporation into compliance work programmes.

7.4. Supplement your local employment law knowledge with relevant international texts

While we may not reasonably require our suppliers in other countries to adhere to South African labour legislation, HR practitioners need to lift their attention beyond our national regulations and equip themselves with a sound understanding of the principles and standards articulated in the guidance texts agreed to and recommended by international and multilateral organisations. We now need to become well versed in the recommendations on labour standards and the business role in human rights issued by the UN and its various agencies, including the International Labour Organisation.



7.5. Identify potential civil society partners

Where indicated, we need to identify relevant civil society organisations operating in the regions in which our businesses and their suppliers operate. These organisations, typically in partnership with government, can play an important role in intervening in communities to achieve improved local socio-economic circumstances that in turn reduce the communities' reliance on, for example, the labour of its children.

The relationship between civil society and business organisations is not an easy one, with a history of opposing objectives making true co-operation difficult. However, as we have discussed, business cannot simply walk away from identified adverse human rights impacts. At the same time business is not able to and cannot be expected to single-handedly redress the negative socio-economic circumstances prevailing in communities from which labour is drawn.

Case studies such as those we have introduced you to should give your business leaders comfort, that when it comes to the matter of modern slavery, concerned parties appreciate that the circumstances that have led to an undesirable status quo are complex. As HR practitioners, we need to show our business colleagues that the skills that enable us to develop sustained relationships with employee representatives in the face of conflicting mandates can be applied in the development of co-operative relationships with civil society representatives. Such relationships may well be the first bridges between our employer and a former adversary who now needs to become a trusted partner.

No-one dedicated to the pursuit of anti-human trafficking and anti-modern slavery has unrealistic expectations, and certainly your business will be more harshly judged for turning its back on identified problems than it will be for doing what is reasonably expected. What the international human rights community expects is that a business acknowledges the possibility of adverse human rights impacts in its operations and supply chain, undertakes regular human rights risk assessments, reports on findings in a transparent manner, commits to required remediation efforts, monitors progress and revises action plans as necessary.

7.6. Initiate discussion of modern slavery with your Compliance Specialists

If the issue of potential adverse human rights has not been considered as a risk by your organisation, you can use this Fact Sheet as the basis for a discussion with the senior authority in your in-house governance and compliance function. If the nature of your business is agreed to be one that has no prospect of association with trafficking in persons or modern slavery, you will have fulfilled your obligation of monitoring the broader socio-economic and legal environment for issues that require strategic attention at the business level.

If it is agreed that further consideration to the possibility of modern slavery in your business needs to be given, the balance of our proposed action steps will draw upon processes and skills that you already apply within the confines of your business, and which can now be applied to your objective of having a positive human rights impact as an HR practitioner.

7.7. Support the Risk Assessment process

Third-party due diligence is a growing imperative for compliance practitioners, and when it comes to human rights compliance it may fall to the in-house HR practitioner to play an active role in these processes.

This role may be required not only in supplier vetting and due diligence exercises, but also when your

organisation is considering participating in a merger with or acquiring another business. This is the case because organisations are increasingly being held accountable for pre-merger and acquisition violations by newly-acquired business units (so-called 'successor liability'), and for failing to effect the rapid induction of the newly-merged or acquired employees into your organisation's ethics and compliance system.

When contributing to human rights risk assessment in other countries, the global guidance texts and conventions that we have discussed will be a valuable basis for due diligence exercises. In particular, the Trafficking in Persons report¹⁹, published annually by the US State Department, and the Global Slavery Index²⁰ published by the Walk Free foundation, will provide information as to the specific challenges you need to look out for and will assist you to anticipate the type of red flags that you need to look out for.

You do not have to design an employment conditions due diligence checklist from scratch – thanks to the ILO that provides a comprehensive checklist with guidance for assessing compliance in its outstanding reference work, 'Combating Forced Labour – A Guide for Employers and Business'²¹. There are a growing number of sector-specific resources, freely available online, that aim to support the implementation of best human rights practices within their sector. Find out whether your sector has a specific representative body that issues tailored guidance or recommended standards. For example, if you are in the construction sector, you could access the comprehensive 52-page resource published by LexisNexis, 'Hidden in Plain Site – Modern Slavery in the Construction Industry'²². Look online for an equivalent resource for your own sector, you may be pleasantly surprised by the extent of 'off-the-shelf' insights available.

If you work in an enterprise that has incorporated human rights requirements into its supplier application and vetting processes, you may well be able to play a valuable support role to procurement and tender officials by reviewing and advising on the acceptability of the declarations and evidence provided by potential suppliers.

7.8. Support the development of relevant Policies and Procedures

The drafting, motivation, communication and implementation of people-related policies and procedures that align with legislation is a core HR competency. It's a competency that can be just as well applied by HR in supporting the development of enterprise-level human rights policies.

Not sure where to start with this category of policy? Excellent help is at hand in the 36-page UN Global Compact publication, 'A Guide for Business - How to Develop a Human Rights Policy' (2015)²³.

¹⁹ US State Department, Trafficking in Persons Report (2016), <https://www.state.gov/documents/organization/258876.pdf>

²⁰ Walk Free Foundation, The Global Slavery Index 2013, http://www.ungift.org/doc/knowledgehub/resource-centre/2013/GlobalSlaveryIndex_2013_Download_WEB1.pdf

²¹ ILO, 2015, Combating Forced Labour – A guide for employers and business': http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm

²² LexisNexis, "Hidden in Plain Site, Modern Slavery in the Construction Industry": http://www.lexisnexis.com/em/docs/177565-M-Modern-Slavery-Construction-digital.pdf?conid=&acctid=&utm_campaign=177569_MConstructionIndustryReportLandingPage&utm_medium=email&utm_source=broadcast&utm_content=177569report_0pct_ua&utm_term=bis&access=1-1868518391&treatcd=1-1868518505

Where small suppliers do not have in place the level of formalised and compliant employment policies and practices that your business requires, you can play a role in improving their understanding as to their employment law obligations. Draft policies and check lists that have long been a feature of your own organisation may prove novel and invaluable resources to your suppliers. Remember that this contribution, if made to a South African business, could constitute an 'enterprise development' contribution that can be applied to your businesses' Broad-Based Black Economic Empowerment (B-BBEE) rating.

7.9. Incorporating modern slavery awareness into your Employee Training Programme

The incorporation of a pro-human rights position into your HR function can require the development and delivery of awareness creating programmes to employees. It may well be that your organisation is in time required to publish a statement that details the training about slavery and human trafficking that is available to employees.

You will apply your existing skills development needs analysis process in identifying which employees should receive training and what the content of the training should be. Depending upon the nature of your business, your target audience and training content will vary. For example, in our hotel group case study, it is to be imagined that those sourcing supplies for the hotel chain were exposed to different training content than those customer-facing employees who need training on 'spotting the signs'.

Certainly, your supply-chain management including procurement, internal audit and governance and compliance teams require training, as should any employee who calls on potential or existing suppliers over which the business leaders do not otherwise have line of sight. For these target groups, training in spotting modern slavery red flags will be essential. Such employees also need to be made aware of the reporting procedure that they should follow when they suspect a case of modern slavery.

There is a growing range of freely-available online resources that you can use in your training. Industry associations in other countries are making learning materials such as presentations, manuals, videos and check-lists available that are tailored to their sectors. Here are some examples:

- Truckers against Trafficking²⁴ (a US non-profit) aims to attune all trucking companies and individual truck drivers to their responsibility to be vigilant for potential victims of sex trafficking and modern slavery.
- The UK's Gangmasters' Licencing Authority²⁵ ('gangmasters' are what we would call labour suppliers or temporary employment services) aims to protect vulnerable workers in the UK food and drink processing and packaging, agriculture and shellfish gathering industries. Its website offers videos and checklists to help employers recognise the signs of forced labour, including a valuable recording of a trafficking victim calling a helpline.

²³ UN Global Compact, 2015, 'A Guide for Business - How to Develop a Human Rights Policy', https://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/HR_Policy_Guide_2nd_Edition.pdf

²⁴ Truckers against Trafficking website: truckersagainstrafficking.org

- The 'COMBAT Trafficking in Human Beings in the Hotel Industry' toolkit²⁶ is a solution for hotels wishing to reduce the risk of human trafficking on their premises, and includes reference guides and training material for hotel staff at different levels. Prepared in the UK by the University of West London, the COMBAT toolkit comprises learning materials, manuals, case studies, posters and PowerPoint presentations that you can use and adapt.

Your overriding goal will be to craft and implement a training programme that promotes an organisation-wide sense of responsibility for preventing modern slavery both within the business and within the supply-chain. South Africa's revised B-BBEE regulations provide for the recognition of the contribution your business makes to capacity development of 'non-employees', and extending your training programmes to suppliers and even their employees may be recognised contributions in the measurement of the skills development and supplier development B-BBEE elements.

7.10. Performance Management implications

There are at least two aspects of the broader performance management and reward process in your organisation that need to be reviewed considering the challenge of modern slavery:

- Formal delegation of responsibility and authority: Responsibility and authority for the organisation's human rights programme and performance should be clearly identified, and this will even be a legal requirement if you are a subject to the UK Modern Slavery Act. Each internal functionary that has a contribution to make needs to have this explicitly incorporated into their role description, and expectations of each category of employee and manager need to be clarified.
- Review of reward strategies to align incentives with human rights: The organisation's stated human rights policy, including its values, should be upheld by all in the process of delivering on performance targets. If targets are set that can only be achieved by the disregard of the organisation's stated values, the risk of failure to comply with modern slavery obligations will be high. However, tempting it may be to turn a blind eye to a supplier's labour practices when the price they are offering is very competitive, the true cost of the 'saving' may well eventually be seen in the negative impact of declining public confidence in your company's brand and share price. It is up to the human resource practitioner to identify and advise against any 'perverse incentives' that will present employees with difficult choices.

7.11. Workforce Planning requirements

As with succession planning, where it is advisable to have the unfortunately termed 'bus list' to resort to if unexpected turnover happens that long-term plans have not catered for, it may be necessary for in-house HR to contribute to the rapid replacement of a supplier's service where no ready third-party alternative is available. For example, if an outsourced arrangement needs to be terminated for ethical reasons, you will need to apply your workforce planning practices to achieving a swift upscaling of internal capacity.

²⁵ Gangmasters' Licencing Authority website: gla.gov.uk

²⁶ COMBAT Trafficking in Human Beings in the Hotel Industry' toolkit and related resources:

<https://www.brookes.ac.uk/microsites/combat-human-trafficking/the-toolkit/toolkit-material/?langtype=2057>

7.12. Organisation Culture alignment

There are again at least two specific focus areas relating to organisation culture to which HR can make an important contribution.

- **Developing a 'speak-up' culture**

We need more than ever before to build workplace environments in which people take note of threats to the business and are willing and able to bring these to the attention of the appropriate internal authorities without fear of disregard and retaliation.

Having raised employee awareness of the risks and indications of trafficking and modern slavery, we need them to have trusted channels to report potential violations. While open reporting is always preferred when employees have information that needs to be known and examined by the business, anonymous reporting lines can play a crucial role when employees, rightly or wrongly, feel unable to come forward in person.

What this means is that you need to communicate that your 'whistle-blowing system' is for more than just allegations of fraud and financial wrong-doing, it is for any threat to the organisation including that of adverse human rights impacts. Given the higher risk that arises where there is reduced line of sight in geographically dispersed operations, you must not omit to advertise your hotline in high-risk locations.

You need to encourage the communication of your organisation's violation reporting channels to your suppliers and if you have reason to doubt the existence or integrity of reporting mechanisms in the supplier's business, you may wish to consider ways to ensure that their employees know how to access your own system.

- **Developing organisational empathy for human rights**

The second area of influence that you can exercise over your organisational culture, is to work towards the building of empathy on the part of all in the enterprise for all those who contribute to its success – including empathy for those who labour in the creation and provision of goods or services provided to it by suppliers.

Of course, if we do not have a culture that emphasizes the treatment of all within the business with dignity, fairness and respect, we cannot expect our employees to be concerned with the way the organisation's suppliers treat their employees. Encouraging everyone to care about the impact that the business operations have on the communities in which it operates, or on the communities that serve it indirectly via its suppliers, is the goal of organisational development initiatives undertaken by the human rights-aware human resource practitioner.

HOW TO GET HELP FOR A VICTIM OF HUMAN TRAFFICKING IN SOUTH AFRICA

Now that you are more sensitised to the presence of modern slavery, you may be in a position to identify if someone has been trafficked or may be vulnerable to trafficking. Intervening in a human trafficking situation is something best handled by specially trained professionals.

YOU CAN REPORT YOUR SUSPICIONS TO THE SOUTH AFRICAN POLICE (TEL 10111) OR CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE LINE, WHICH OPERATES 24 HOURS A DAY, 7 DAYS A WEEK, 365 DAYS OF THE YEAR AND CALLS ARE FREE, ON 0800 222 777.

The South African National Human Trafficking Resource Line is operated by A21 South Africa, a national collaborative initiative that works through a network of service providers, including relevant government services, who together aim to provide a rapid and effective response to reports of trafficking.

Learn more about the Resource Line on its website: www.0800222777.org.za, and make a note of its **24-hour call-centre** staffed by specially-trained operators who take calls from victims and from those with tip-offs or queries. They can refer you to support services in your own province. Call **0800 222 777** or **email: info@0800222777.org.za**. While there are a number of civil society organisations across South Africa that can provide support to victims of trafficking, below is a list of organisations considered experts in the field of human trafficking and who can refer victims for support when necessary:



The International Organisation for Migration (IOM) is the largest provider of services to victims of human trafficking in the world. In 2015 IOM assisted an estimated 7 000 victims of trafficking in 117 countries of destination, and collected in-depth information for 4 858 newly-identified victims from 65 countries of nationality, in 59 countries of destination/identification

Contact the IOM South Africa Human Trafficking Helpline on 0800 555 999, reach IOM on their land line at +27 12 342 2789, find them on the 3rd floor, Sanlam Building, 353 Festival Street, Hatfield, Pretoria and learn more from their website at <https://southafrica.iom.int/>



The Salvation Army is an international faith-based service organisation that has a strong anti-human trafficking community programme. Founded in 1865, the Salvation Army today operates in 120 countries around the world. In South Africa, the Salvation Army offers anti-trafficking awareness training, runs campaigns, and sources victim accommodation in selected major centres.

Contact the Salvation Army on 011 718 6746 for more information on their services and local offices throughout South Africa and the region. The Salvation Army in South Africa operates a toll-free number: 08000 RESCU (73728). You can learn more about them via their website: <http://salvationarmy.org.za/> and even visit the dedicated Salvation Army Anti-Human Trafficking SA Facebook page.

NATIONAL AND INTERNATIONAL OBSERVANCE DAYS

Time your awareness creations for maximum impact by aligning them with 'observance days' recognising the importance of: human rights, child labour, trafficking in persons, the victims of past slavery, the abolition of slavery, and modern slavery. Your in-house education initiatives will be reinforced by the concurrent exposure that the subject will be receiving in the media. Visit the United Nations website's 'Observances' page (United Nations website observances section: <http://www.un.org/en/sections/observances/international-days/index.html>), navigate to the applicable day and find a wealth of useful communication material including recommended messages, up to date learning resources and printable posters.

21 MARCH

Human Rights Day (South Africa)

25 MARCH

Day of Remembrance: Victims of Slavery and Transatlantic Slave Trade

12 JUNE

World Day against Child Labour

30 JULY

World Day against Trafficking in Persons

23 AUGUST

UNESCO International Day for the Remembrance of the Slave Trade

18 OCTOBER

Anti-Slavery Day (UK)

2 DECEMBER

International Day for the Abolition of (Modern) Slavery

10 DECEMBER

10 International Human Rights Day

RECOMMENDED READING AND RESOURCE LIST

In this reading and resource list we list many of the key resources referred to in the Fact Sheet and supplement these with other highly recommended reads.

ON MODERN SLAVERY

- The Global Slavery Index: <http://www.globalslaveryindex.org/> and especially see pages 70 – 79 for an overview of modern slavery in Sub-Saharan Africa
- Learn more about the Thomson Reuters Foundation Stop Slavery Award at <http://www.stopslaveryaward.com/>, read about the shortlisted companies and even review the questionnaire that award applicants complete to give you a good idea of the internal business activities to which you can apply best practices.

ON HUMAN TRAFFICKING

- US State Department, Trafficking in Persons Report (2016), <https://www.state.gov/documents/organization/258876.pdf> and go directly to the Trafficking in Persons Report Country Narratives at (<https://www.state.gov/j/tip/rls/tiprpt/countries/2016/index.htm>) and find the report on South Africa at <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258860.htm>
- Global Business Coalition Against Human Trafficking (gBCAT) website: www.gbcatt.org/ .
- The LexisNexis South Africa Human Trafficking Awareness Index™ available for purchase via www.lexisnexis.co.za/ruleoflaw, uses media coverage from the licensed collection of close to 6,000 influential news sources from over 100 countries.

ON CHILD LABOUR

- Find the full range of the ILO's child labour reports and resources at the website of its International Programme for the Elimination of Child Labour (IPEC) at: <http://www.ilo.org/ipecc/info/informationresources/lang--en/index.htm>
- If you choose just one resource on the subject of child labour let it be the Child Labour Guidance Tool created jointly by the ILO and the International Organisation of Employers (IOE). This 68-page, user-friendly publication provides you with a comprehensive guide to meeting the due diligence requirements pertaining to child labour required by the UN Guiding Principles. It is based on a long history of collaboration between IPEC and employers aimed at combating child labour in supply chains. Find the full 2015 report, 'ILO-IOE child labour guidance tool for business - how to do business with respect for children's right to be free from child labour' at <http://www.ilo.org/ipecc/info/product/download.do?type=document&id=27555>

GUIDANCE TEXTS AND LEGISLATION

- The Global Compact: <https://www.unglobalcompact.org/>
- The UN Guiding Principles on Business and Human Rights from: <https://business-humanrights.org/en/un-guiding-principles>
- The OECD Guidelines for Multinational Enterprises at: <http://www.oecd.org/corporate/mne/1922428.pdf>
- The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons forms part of the UN Convention Against Transnational Organized Crime which can be accessed at: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
- The Sustainable Development Goals: <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>
- The California Transparency in Supply Chains Act: <https://www.dol.gov/ilab/child-forced-labor/California-Transparency-in-Supply-Chains-Act.htm>
- The UK Modern Slavery Act: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- The US Trafficking Victims Protection Act (TVPA): <https://www.state.gov/j/tip/laws/>
- The South African Prevention and Combating of Trafficking in Persons Act (No 7 of 2013): <http://www.justice.gov.za/legislation/acts/2013-007.pdf>

RESOURCES FOR YOUR POLICY AND ORGANISATION DEVELOPMENT ACTIVITIES

- The International Labour Organisation's 'Combating Forced Labour – A guide for employers and business'. This 150-page handbook is addressed to employers' organisations and to a broad spectrum of businesses including small and medium sized enterprises, multinationals, export-oriented companies and those operating within global supply chains.: Find it at http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm
- The UN Global Compact and OHCHR: How to develop a human rights policy - A guide for business. Second edition (New York, 2015). Available at: www.unglobalcompact.org/library/22
- Guidance on embedding respect for human rights across a business: UN Global Compact: Good practice note: Organizing the human rights function within a company (New York, 2014). Available at: www.unglobalcompact.org/library/921

RELEVANT REPORTING STANDARDS AND FRAMEWORKS

- The UN Guiding Principles Reporting Framework (2017): http://www.ungpreporting.org/wp-content/uploads/2015/03/UNGPRreportingFramework_withguidance2017.pdf
- The Global Reporting Initiative Standards: <https://www.globalreporting.org/standards>

DOWNLOADABLE AWARENESS AND TRAINING RESOURCES

In this reading and resource list we list many of the key resources referred to in the Fact Sheet and supplement these with other highly recommended reads.

- COMBAT Trafficking in Human Beings in the Hotel Industry toolkit and resources at: <https://www.brookes.ac.uk/microsites/combat-human-trafficking/the-toolkit/toolkit-material/?langtype=2057>
- Truckers against Trafficking checklists and videos at: truckersagainstrafficking.org
- Gangmasters' Licencing Authority awareness material including videos: gla.gov.uk

This Fact Sheet was written by Penny Milner-Smyth and edited by Lathasha Subban of the SABPP. Penny is registered as a Master Human Resource Practitioner with the SABPP. She holds an MA (Research Psychology) from UKZN and has worked as an in-house human resource practitioner since 1990, having held a human resources executive position for the past 20 years. A regular writer and speaker on the subject of human resource best practices, Penny's interest is in the role that organisations can play in serving as contexts within which people are able and required to become the best possible versions of themselves. <https://za.linkedin.com/in/pennymilnersmyth>

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