

Supplier Questionnaire – Identifying modern slavery risks

# Explanatory Note for Australian Government Departments

The Supplier Questionnaire (the Questionnaire) is a tool to assist Australian Government agencies to assess their suppliers’ policies and practices to identify, assess and mitigate modern slavery risks in their supply chains and operations.

Governments are in a unique position to use their substantial leverage over the conduct of suppliers and market practices to drive positive change to address potential modern slavery and human trafficking risks in their supply chains.

Under *Australia’s Modern Slavery Act (Cth) 2018*, the Australian Government is required to report annually on modern slavery risks across whole-of-government procurement and investments. The Australian Government is responding by taking proactive measures to work closely with suppliers to identify modern slavery risks and to better target and prioritise its actions in responding to these risks. We are committed to ensuring the Australian Government’s supply chains are not linked to modern slavery and to addressing and mitigating risks that are identified.

## Frequently Asked Questions

***What is modern slavery?***

Australia’s *Modern Slavery Act (Cth) 2018* 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.

***Why has this questionnaire been developed?***

This Questionnaire has been developed to help Government agencies to assess suppliers’ policies and practices on modern slavery. This information should assist Government agencies to work with suppliers to identify and assess possible modern slavery risks in Government procurement.

***How should this questionnaire be used?***

This Questionnaire should be used as a tool to facilitate collaborative two-way engagement between government agencies and suppliers. Through effective use, the Questionnaire can assist agencies in learning more about their suppliers operations and their strengths and weaknesses when it comes to addressing modern slavery risks. The Questionnaire can be integrated into the tender process itself as a criteria during the contract application process.

***Who should use the questionnaire?***

The enclosed Questionnaire is designed to be used by procurement officers both when undertaking future procurements and when assessing modern slavery risks in existing contracts. Any Australian Government official undertaking a procurement can use the Questionnaire. Procurement officers are encouraged to ask suppliers to complete the Questionnaire when the procurement is screened as having a modern slavery risk level of 9 or more when using the Risk Screening Tool.

 ***What if a supplier’s answers to the questionnaire are unsatisfactory?***

If a supplier’s answers to specific questions do not seem satisfactory, this does not necessarily mean they should not be considered for the contract. Rather, agencies are encouraged to work with that supplier throughout the duration of the contract to support their modern slavery risk management approach and provide guidance where necessary.

***What should agencies do if a case of modern slavery is uncovered?***

If a case of modern slavery is uncovered at any time during the procurement process, agencies are encouraged to refer to the Modern Slavery Response Protocol which steps out how to appropriately respond to and report suspected cases.

***Who will the answers of the questionnaire be made available to?***

The results of this Questionnaire are confidential and will not be shared beyond Government.

Supplier Questionnaire – Identifying modern slavery risks

This is a confidential Questionnaire for suppliers of goods and services to Australian Government agencies. It is a tool to assist Australian Government agencies and their suppliers to:

identify and assess possible modern slavery risks in Australian Government procurements,

identify mitigation efforts to combat the risk of modern slavery in Australian Government procurements, and

foster collaboration between Australian Government agencies and their suppliers to address these risks.

Suppliers are asked to complete the 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** to assist suppliers 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 [*Commonwealth Modern Sl**avery Act 2018 – Guidance for Reporting Entities.*](https://www.homeaffairs.gov.au/criminal-justice/files/modern-slavery-reporting-entities.pdf)

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 the Australian Government to prepare an annual modern slavery statement explaining how the Australian Government is assessing and addressing modern slavery risks in its operations and supply chains. This Questionnaire will assist the Australian Government with this endeavour and forms an important part of the Australian Government’s efforts to combat modern slavery risks.

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| **Modern Slavery and Trafficking Supplier Questionnaire** |

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| **Contact details – Australian Government department or agency** |
| Organisation name |  |
| Contact person |  |
| Contact email |  |
| Contact phone |  |

Please complete the below questions in as much detail as possible. Please return the completed Questionnaire to the nominated Australian Government contact (see above).

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| **Contact details - Supplier** |
| Organisation name |  |
| Organisation address |  |
| Australian Business Number |  |
| Parent company |  |
| Contact person |  |
| Contact email |  |
| Contact phone |  |
| Date of Questionnaire completion  |  |
| **Additional documentation** |
| Is your organisation required to report under the *Modern Slavery Act (Cth) 2018*? If so, please attach a copy of your modern slavery statement(s). |  |
| Is there any other additional documentation you have attached to this questionnaire? If so, please list them here. |  |
| **Organisation structure** |
|  | How much visibility does your organisation have over your supply chain? Please select one of the below and explain why you selected this option:[ ]  **High**: You have mapped the full supply chain for key products and services used by your organisation and have identified key suppliers at all levels of your supply chain.[ ]  **Moderate**: You have identified major Tier One suppliers and have partially or fully mapped the supply chains for key products and services of your supply chain. [ ]  **Developing**: You have identified major Tier One suppliers. You have very limited or no visibility of your supply chains below the Tier One level. |
|  | Does your organisation have a policy or policies in place to deal with modern slavery? [ ]  Yes[ ]  NoIf the answer is yes, please provide details of, or a copy of, the policy or policies, including information on whether your organisation has a system to monitor compliance with these policies. If the answer is no, please provide information on what your organisation is doing, or plans to do, to manage modern slavery risks. |
|  | Does your organisation 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 you deliver? [ ]  Yes[ ]  NoIf yes, please describe the role and responsibility of that person/team below. |
| **Training** |
|  | Are staff in your organisation trained on how to identify, assess and respond to modern slavery risks? [ ]  Yes[ ]  NoIf yes, please describe the nature of the training available and the positions or roles of staff that receive training. Please also specify whether training is also available to other organisations or staff in your supply chain. If no, does your organisation plan to introduce modern slavery risk training for staff? |
| **Supplier engagement** |
|  | Does your organisation 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?[ ]  Yes[ ]  NoIf yes, please describe how your organisation performs this screening. If no, does your organisation plan to introduce measures to screen prospective suppliers for modern slavery risks in future? |
|  | Are you aware of low-skilled migrant workers working in your organisation’s supply chains?[ ]  Yes[ ]  NoIf yes, please provide information about where in your organisation’s supply chain low-skilled migrant workers are employed. |
| **Response processes** |
|  | How would your organisation respond to any allegation of modern slavery or substandard working conditions in its operations or supply chains? |
|  | Does your organisation engage in any other due diligence activities to identify, prevent and mitigate risks specific to modern slavery in its operations and supply chains? If so, please describe these activities.[ ]  Yes[ ]  NoIf yes, please describe these activities below. |

## Appendix A

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| Glossary |
| Term | **Explanation** |
| Child labour | 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:* is mentally, physically, socially or morally dangerous and harmful to children; and/or
* interferes with their schooling by:
	+ 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.

A child is defined as a person below the age of 18. Child labour has three categories: (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 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.  |
| Modern slavery | The *Modern Slavery Act (Cth) 2018* (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 Actdefines 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 (eg. Worker codes of conduct and ethical sourcing standards). |
| Recruiter | A recruiter refers to both private and public entities that offer labour recruitment services. Recruiters – variously referred to as labour intermediaries, middlemen, labour 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 labour 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. |
| 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 contractors are considered workers. |