

# SLAVERY AND HUMAN TRAFFICKING STATEMENT

For the year ended 31 December 2022

June 2023



A U S T R A L I A

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## 1. IDENTIFICATION OF REPORTING ENTITY AND PURPOSE

This statement (the “**Statement**”) is made on behalf of Bouygues Construction Australia Pty Ltd (ABN 37 144 013 801) of Level 2, 77 Pacific Highway, North Sydney, 2060 (**BYCA**) pursuant to section 13 of the Modern Slavery Act 2018 (Cth) (the **Act**).

BYCA takes its obligations in relation to the identification, prevention and reporting of modern slavery and human trafficking seriously. It is working hard to identify and reduce the risk of modern slavery and human trafficking in its supply chains or in any part of its business and aims to have a zero-tolerance approach to managing the risk of modern slavery. Its anti-slavery policy reflects its commitment to acting ethically and with integrity in all its business relationships. BYCA adheres to a worldwide group Code of Ethics personally supported by Martin Bouygues, Chairman and CEO of Bouygues SA and pursuant to this undertakes to comply with the strictest legal and moral standards in the conduct of its operations.

The Statement sets out what BYCA has done in the 2022 calendar year to work towards ensuring that slavery and human trafficking is not taking place in any part of its businesses or supply chains.



## 2. BYCA'S STRUCTURE, OPERATIONS AND SUPPLY CHAIN

BYCA is a private limited company that provides civil engineering and construction services in Australia to both public and private sector clients. It is incorporated in Australia and has its headquarters in North Sydney. It has around 400 direct employees in Australia. BYCA is part of a group of companies worldwide which have Bouygues SA, a CAC 40 company listed on the Paris Euronext, as their ultimate parent. The Bouygues group has over 196,154 employees worldwide and operates in approximately 81 countries.

BYCA controls BYES Australia Pty Ltd (ABN 57 663 914 556) (**BYES**). BYES is currently dormant and does not have any operations. BYCA also controls various investment companies (BYCA CY Investor Pty Ltd (ACN 622 303 897), CY Holding 2 Pty Ltd (ABN 44 622 375 688) and Cross Yarra 2 Pty Ltd (ABN 24 622 569 135)) to hold its interest in the Cross Yarra Partnership (ABN 57 956 065 885) (**CYP**). CYP was established for the purposes of the Metro Tunnel (Tunnel and Stations PPP) as part of the Metro Tunnel Project in Melbourne, Victoria, and reports separately under the Act - see Cross Yarra Partnership (ABN 57 956 065 885) Modern Slavery Statement Financial Year 2022. Given the characteristics of BYES and the BYCA owned companies relating to CYP, this statement relates only to the Modern Slavery risks and measures in BYCA's operations.

As a leading engineering and construction contractor, BYCA has a complex supply chain model that both supports its core businesses and maintains its office and technology infrastructure. BYCA's supply chains relate mainly to the following activities:

**Subcontracting** – the specialist contractors necessary to deliver certain construction and engineering operations on BYCA construction sites, including hiring specialist equipment.

**Labour Hire** – the supply of labour for projects.

**Consultancy** - professional and consultancy services from design professionals in various fields, including, without limitation, architecture, engineering (such as structural, civil, façade and mechanical and electrical) lighting, landscape design, sustainability, project management, cost consultancy and surveying.

**Supply and Transport of specialist equipment, products and materials** – the purchasing and transportation of the specialist equipment, products and materials it uses in its civil engineering, construction and solar projects. In this context, BYCA's supply chains include overseas factories in China, U.S.A. and Europe where products such as solar panels, trackers, axial fans, dampers, HV switchgear, tunnel lighting and attenuators are made. These products are then imported into Australia and subsequently distributed to BYCA's sites.

**Business services** – a wide range of products and services necessary to maintain normal day to day operations in its offices and support its core business functions such as cleaning, catering, security, IT support and print services.

**Professional services** – professional services such as external training, audit services and advisory services in areas such as tax, regulation, insurance and law.

**Real estate** – the leasing of office and residential space to accommodate staff and operate its business.

**Technology** – the systems, software and equipment that are necessary to maintain the technology infrastructure that supports BYCA’s core business.

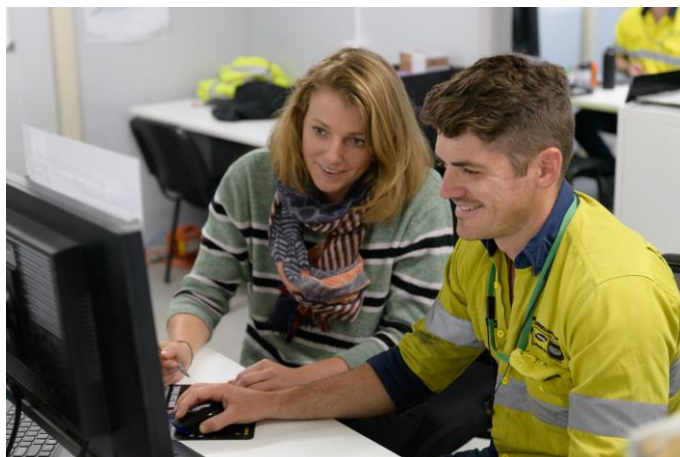
**Travel** – BYCA works with a number of travel providers such as hotels and airlines.

In addition to supply relationships, BYCA has business relationships with joint venture partners, including:

- Lendlease Melbourne Metro Pty Ltd (ACN 639 377 030) and John Holland Pty Ltd (ABN 11 004 282 268) in relation to the Melbourne Metro Tunnels and Stations PPP project where the JV is D&C Contractor;
- Acciona Infrastructure Projects Australia Pty Ltd (ABN 40 000 201 516) and Samsung C&T Corporation (ABN 49 160 079 470) in relation to the West Connex M4-M5 Link project where the JV was the D&C Contractor carrying out main tunnel works (construction completed in January 2023); and
- Lendlease Building Pty Ltd (ACN 000 098 162) in relation to the North Connex tunnel works where the JV was the D&C Contractor carrying out main tunnel works (construction completed in October 2020).

BYCA works closely with its joint venture partners to implement appropriate modern slavery risk processes and controls in the unincorporated joint ventures in which it is a participant. In relation to the above joint venture projects which were in delivery during the 2022 period, modern slavery measures were in place including the following:

- project specific contract clauses addressing modern slavery risks;
- induction training for personnel on the Project, including a specific slide which contains warnings around modern slavery;
- the ability to conduct third party inspections with the assistance of a third party auditor; and
- procurement processes including specific checks on suppliers from at risk countries and requesting evidence of modern slavery procedures, policies and statements from suppliers.



### 3. RISKS OF MODERN SLAVERY IN BYCA'S SUPPLY CHAIN

BYCA considers that it is unlikely that it would directly cause modern slavery practices, but realises that it may inadvertently contribute to them. Risks have been identified in the following areas of BYCA's supply chain:

- > Engaging labour hire companies for execution of BYCA's projects. We are aware that labour hire companies have been highlighted as a high-risk area for potential exploitation of migrant workers. We note that this risk is reduced for BYCA, due to requirements in our standard subcontracts for subcontractors and suppliers to comply with state specific labour hire laws, strict requirements for labour to have the relevant working rights, training and vocational licences and the fact that BYCA's solar farm construction activity (which made use of hired labour) entered into the maintenance phase during the reporting year.
- > Procuring tools, equipment and specialist machinery from overseas supplier factories for BYCA's solar and civils business. Some of these companies are in countries reported to have a high prevalence of modern slavery by international organisations or NGOs e.g. China. Additionally, BYCA does not always have full transparency of where Australian entities it engages with obtain their supplies or other inputs into their work with BYCA, and whether these supplies come from high-risk countries.
- > Procuring materials, such as cladding for our tunnel projects. In most cases we endeavour to purchase from Australian suppliers, but if necessary in order to meet a large or urgent order we will procure from overseas suppliers, again usually in China where we do not have direct insight into labour practices used by material suppliers.
- > Procuring staff uniforms and personal protective equipment (**PPE**) and electronics for employees. We are aware that textiles / clothing and electronics are high-risk sectors. We purchase uniforms branded with the company/JV logo, PPE and electronics from Australia based companies, but do not yet have insight into the working conditions of the various countries these products are manufactured in.

## 4. ACTIONS TAKEN BY BYCA TO ADDRESS MODERN SLAVERY RISKS

### 4.1 Policies in relation to modern slavery and human trafficking

BYCA has a number of policies and procedures which are relevant to preventing instances of modern slavery from occurring in its business or its supply chains, including having a dedicated compliance officer to whom breaches of any of the following policies can be notified. Relevant policies are made available to the supply chain during procurement. In particular, the following policies are directly relevant to the subject matter of this Statement:

**Anti-slavery policy** – this policy specifically addresses the subject matter of the Act recognising and preventing trafficked, forced, bonded and child labour.

**Code of Ethics** - this requires employees, subcontractors and suppliers to comply with the principles of the United Nations Universal Declarations of Human Rights, the fundamental conventions of the International Labour Organisation, in particular, concerning forced child labour and the principles of the United Nations Global Compact. The Code of Ethics was updated during the 2022 reporting period for continued alignment with current best practices.

**CSR Charter for Suppliers and Subcontractors** – this charter sets out the standards the Bouygues Group expects from its supply chain in several areas, including compliance with labour standards.

**Screening process** – high risk subcontractors and suppliers proposed for a project are screened. This allows elimination of subcontractors and suppliers which do not adhere with BYCA's compliance framework. It also allows a risk profile to be allocated at the start of the business relationship which is reviewed periodically until the end of the relationship. BYCA's screening processes were updated and enhanced during the 2022 reporting period.

**Bouygues Construction Corporate Social Responsibility policy** – this policy specifically discourages the use of child labour.

**Whistleblowing Policy** – this policy encourages employees, subcontractors and suppliers to bring any bad practice they become aware of to the attention of an Eligible Recipient under Australian Whistleblowing legislation without fear of repercussions for doing so.

**Health & Safety policy** – this policy sets out BYCA's commitment and approach to ensuring it provides a healthy, safe working environment for its own staff and contractors that work on-site.

**Harassment & Bullying policy** – this policy sets out BYCA's approach to preventing the occurrence of discrimination, harassment, bullying or victimisation in the work place.

**Delegations Authority and contract signing procedure** – this policy sets out BYCA's internal control and governance procedures with regards to approving financial transactions and signing contracts with suppliers. This procedure ensures that contracts cannot be entered into without an appropriate level of review and authorisation by a suitably senior and qualified member of staff.

## 4.2 Due diligence processes

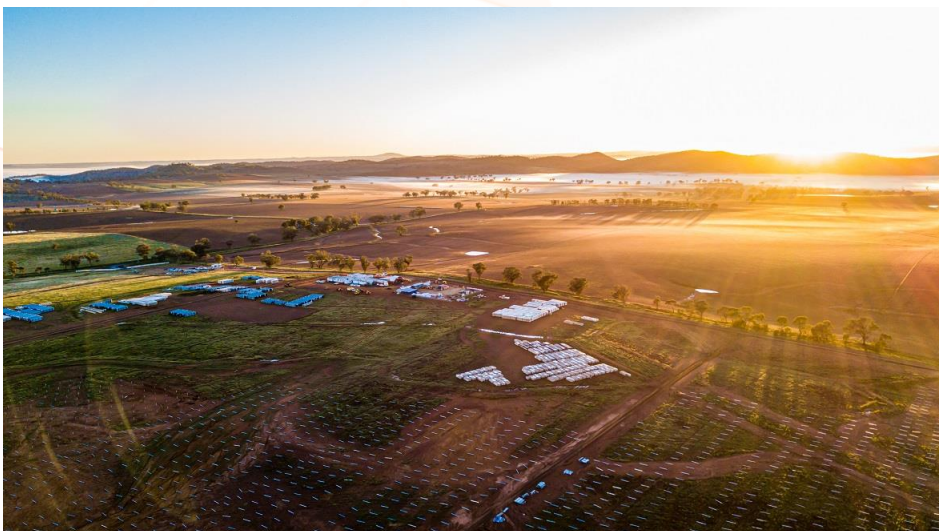
BYCA and its suppliers are expected to live up to and adhere to the principles set out in the anti-slavery policy which endeavours to reflect UN Guiding Principles 15 and 17 and demonstrate progress towards the standards set out in it.

BYCA's procurement practices require that all new major suppliers are subject to an appropriate level of screening for modern slavery risks. This is a key focus in the early stages of a project, where the majority of the strategic purchasing decisions are made. It is noted that during the 2022 reporting year, BYCA did not start any new projects.

BYCA's parent company, Bouygues Construction S.A, has a framework agreement with an external provider who can perform on-site CSR performance evaluation of BYCA's supply chain for high risk items or high-risk countries. The scope of the screening BYCA or the external provider performs depends on the nature of the goods or services being procured, but can include financial checks, data security assessments, reference checks, obtaining copies of relevant supplier's policies and procedures and on-site inspections including interviews with a supplier's employees.

BYCA's standard form Subcontractor Pre-Contract Interview and Invitation to Tender includes questions about adherence with the Act and commitment to addressing modern slavery and human trafficking and requires any labour hire companies that BYCA engage to provide their licence pursuant to any applicable Labour Hire Licensing Scheme. Where considered appropriate, BYCA requests from its supply chain participant a copy of their Modern Slavery Statement or other documents detailing their commitment to compliance with the Act.

BYCA's site teams hold meetings with its subcontractors, supplier and consultants during which labour standards, health and safety, payment and performance issues are discussed. This allows BYCA to continuously monitor the performance of its supply chain and act promptly when their performance falls below the required standards. BYCA meeting with its supply chain is another way in which their performance is assessed and compliance with BYCA's contractual requirements such as the Charter, Modern Slavery and Health and Safety policies is reviewed.





### 4.3 Risk assessment, management and remediation

Section 3 above sets out the areas of BYCA's procurement activity where there could be a higher risk of slavery or human trafficking taking place.

BYCA has a central procurement function for each major JV project that assesses and manages the procurement of high value and/or high-risk goods and services in accordance with BYCA's procurement practices and formal tendering procedures. This function is critical in strategically assessing the risk of Modern Slavery at the time of negotiating the key areas of procurement for a new project. Globally, dealings with Russia and Ukraine have been reviewed since the commencement of the conflict.

BYCA also employs a team of lawyers and has a compliance officer to ensure compliance with its legal and ethical obligations. BYCA also has in place appropriate processes for reporting concerns within the business, including the whistleblowing procedure.

BYCA's standard contract suite includes clauses requiring compliance with the Act and any applicable Labour Hire Licensing Scheme, which are included in all of its contracts with suppliers, subcontractors and service providers. These clauses permit BYCA to terminate for non-remediation of a breach of anti-slavery obligations by a supply chain member.

BYCA provides its employees with access to an employee assistance programme (provided by an independent third-party company) that can be used by its employees for free and confidential advice in relation to workplace concerns or issues.

On an ongoing basis, BYCA performs a risk mapping of its supply chain. It has created a risk mapping methodology and is able to reach out to its parent and sister companies within the wider Bouygues Group for their risk mapping reports in order to start piecing together a global picture of ethical, including modern slavery, risks within the supply chain. Further investigation is performed for suppliers identified as high risk to better determine the overall risk. BYCA will cease its relationship with any supplier it considers as a significant risk.



## **4.4 Training in relation to slavery and human trafficking**

BYCA has provided slavery and human trafficking awareness training for key individuals in its business (executive leadership team and key figures from the procurement, finance and HR department).

During the 2022 reporting period, an ethics and compliance training program was implemented, which was mandatory for all BYCA employees. This included a segment on modern slavery.

New employees are made aware of Modern Slavery as part of BYCA's induction training.

## **4.5 Evaluating effectiveness of actions taken by BYCA**

BYCA recognises that some areas of its operations and supply chain are exposed to parts of the industry that could be considered high risk and is committed to continually improving process to minimise these risks.

BYCA believes that its processes and controls in place are effective in minimising the risks of Modern Slavery in its supply chain and acknowledges that key focus is required prior to engaging with new major suppliers, specifically during the strategic procurement stages of new projects. This will be a key focus of the procurement teams when a new project is awarded to BYCA.

BYCA is committed to further developing its due diligence of its supply chain and management of modern slavery risks, working with its supply chain partners to foster best practice. BYCA remains committed to developing its policies and processes to ensure that any occasion of modern slavery or human trafficking is identified and resolved in the best interests of the victim. Any potential concerns about incidents of modern slavery on BYCA sites would be investigated and, where appropriate, reported.

BYCA is going to assess the effectiveness of its modern slavery actions by:

- > continuing to enhance its screening processes;
- > implementing further ethics and compliance training and awareness, including in relation to modern slavery; and
- > gathering feedback from procurement, legal and HR teams to holistically consider trends in any anti-slavery cases reported including through grievance/ whistleblowing/ anti-slavery policy reporting mechanisms.

This Statement has been approved by the Board of Bouygues Construction Australia Pty Ltd.

**Seved Robin, Chief Executive Officer of Bouygues Construction Australia Pty Ltd**

Signed 

Date .....  
27 June 2023  
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