

**MODERN SLAVERY ACT 2015: KEY
CONSIDERATIONS FOR
ORGANISATIONS**



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2015**

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THE MODERN SLAVERY ACT 2015: KEY CONSIDERATIONS FOR ORGANISATIONS

The Modern Slavery Act became law on 26 March 2015. Of immediate relevance to commercial organisations (not just businesses, but charities and educational establishments as well) is the reporting provision, which came into force on 29 October 2015.

As the Home Office Guidance makes clear:

“Every organisation carrying on a business in the UK with a total annual turnover of £36m or more will be required to produce a slavery and human trafficking statement for each financial year of the organisation.”

The obligation applies to commercial organisations in all sectors which supply goods or services and carry on a business or part of a business in the UK. By regulation, there is a total turnover threshold of £36m.

The statement is required to set out what steps a commercial organisation has taken during the financial year to ensure that modern slavery is not occurring, both in its supply chain and in its own organisation. It should be noted, in particular, that the statement must include *“the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains, and in any part of its own business”*.

For the purposes of the Act, 'modern slavery' includes slavery, servitude and human trafficking and a commercial organisation must ensure that none of these are taking part in any part of its supply chain. As the Guidance confirms, however, the requirement of 'ensuring' does not mean that a commercial organisation has to guarantee that its supply chain in its entirety is modern slavery free; rather, it is required, instead, to set out those steps it has taken in relation to any part of its supply chain. Even that is onerous, however, as it should include all actions that the organisation has taken.

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At the heart of the statement requirement is the need for transparency. Thus, a commercial organisation must be honest and open as to what is taking place; therefore, if it has taken no steps to ensure that neither slavery, servitude and human trafficking is taking place, it must say exactly that in its statement.

WHAT MUST AN ORGANISATION DO?

The Act does not prescribe exactly what a statement must include, but it does provide a non-exhaustive list of matters that may be included. Those are:

1. The organisation's structure, its business and its supply chains;
2. Its policies in relation to slavery and human trafficking;
3. Its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
4. Those parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps taken to assess and manage that risk;
5. Its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;
6. The training and capacity building in relation to slavery and human trafficking that is available to its staff.

Once drafted, the statement must be approved and signed by a director, member or partner of the commercial organisation. It must then be published on the organisation's website, with a link in a prominent place on the homepage.

HOW CAN AMICUS HELP?

We can provide cost-effective and reliable assistance that will help you to ensure that your organisation's statement is fit for purpose and enhances its reputation. We will also help you to take any underlying steps that are needed.

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We bring subject-matter expertise, supported by an approach only offered by a handful of providers globally. In particular, we are able to:

- › 'Stress test' existing policies and procedures and provide recommendations for enhancement, where appropriate;
- › Enable you confidentially and securely to examine your due diligence processes across all aspects of your business and supply chains;
- › Identify vulnerabilities and potential risk;
- › Enable you to remedy (from within) any areas of vulnerability or risk;
- › Provide you with measurement capability;
- › Provide and/or deliver practical, but cost-effective, targeted training.

We have clients in the UK and in many regions of the world, with our services able to be provided in most languages. We are always happy to provide 'no-obligation' demonstrations of capability and to discuss specific needs.

Please call Martin Polaine or Arvinder Sambei on 0207 831 4882, or email m.polaine@amicuslegalconsultants.com or a.sambei@amicuslegalconsultants.com

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