
CONCEPT NOTE

Early application of forced labour standards and regulations

Organisers:	Global Business Initiative on Human Rights, UK Global Compact Network, Permanent Mission of the United Kingdom and Government of the United States of America
Date and time:	Monday 16th November, 13.30 – 14.30 (brown bag lunch to be provided)
Location:	Room XII, Palais des Nations

SESSION FOCUS

This session will seek to create a space for business leaders and other participants to exchange insights, progress, practices and challenges emerging in response to new regulatory initiatives addressing forced labour (with a particular focus on the US Federal Acquisition Regulation and the UK Modern Slavery Act).

OBJECTIVES

- To provide participants with an overview of relevant elements of the US Federal Acquisition Regulation and the UK Modern Slavery Act, and insight into the implications of these regulatory initiatives for business.
- To provide participants with an opportunity to share business practices and experiences emerging in response to these regulatory initiatives, and to discuss insights and challenges.

KEY DISCUSSION QUESTIONS

- **Requirements:** What do the US Federal Acquisition Regulation and the UK Modern Slavery Act require of companies, and how (and by whom) will compliance be monitored and enforced?
- **Company practice:** How are companies responding to these new regulatory frameworks? Are these new regulatory frameworks catalysing new business practices, such as the implementation of human rights due diligence processes and collaboration between companies and their suppliers?
- **Practical challenges:** What practical challenges do these regulatory frameworks present to companies? What opportunities are there for dialogue about challenges between businesses, US and UK authorities, and other relevant stakeholders?
- **Stakeholder expectations:** How do non-government stakeholders expect companies to respond to these new frameworks as regards the implementation of human rights due diligence and reporting processes? Have these expectations been established with reference to international standards such as the UN Palermo Protocol or the UN Guiding Principles on Business and Human Rights?
- **Meaningful action:** How can we ensure that regulatory frameworks such as those established by the recent changes to the US Federal Acquisition Regulation and the UK Modern Slavery Act catalyse action that produces meaningful outcomes for rights-holders?
- **Remediation:** Do these new frameworks improve access to remedies for affected rights-holders, and what role in remediation do these frameworks envisage for companies?

TARGET AUDIENCE

The target audience is representatives of the business community. The session may also be of interest to professional advisors, academics and representatives of civil society organisations whose work is focused on challenges associated with forced labour.

FORMAT

The session will commence with introductory remarks provided by representatives of the Permanent Mission of the UK and the Government of the United States of America. The moderator will then facilitate a discussion with a panel comprising speakers with expertise on these regulatory frameworks and emerging business practices. Audience participants will be provided an opportunity to ask questions, and to share experience and insights. The session will conclude with a brown bag lunch, which will provide participants with an opportunity to continue to exchange experience and insights.

BACKGROUND

Efforts to develop regulatory responses that address the critical human rights-related challenges associated with forced labour are increasingly making explicit links to due diligence processes. They are also increasingly drawing on the opportunities presented by reporting processes to enhance transparency and accountability, and to incentivise action by business.

For example, on 29th January 2015, the Government of the United States of America released a final rule amending the Federal Acquisition Regulation to implement both Executive Order 13627 ("Strengthening Protections Against Trafficking in Persons in Federal Contracts") and Title XVII of the National Defense Authorization Act for Fiscal Year 2013 ("Ending Trafficking in Government Contracting"). These amendments strengthen measures to address trafficking in persons, including by prohibiting a set of specific trafficking-related practices, and requiring certain contractors to develop compliance plans and make annual certifications to the government.

Further, the UK Modern Slavery Act 2015 seeks to strengthen company disclosure on efforts to prevent abuses resulting from slavery, servitude, forced or compulsory labour and human trafficking, as defined in the Act. The Act asks companies with a global annual turnover of £36 million or more to publish an annual statement that discloses the steps (if any) the company has taken to ensure that modern slavery is not taking place in its supply chains or its own business. Guidance on the possible content of a company's statement references relevant policies, due diligence processes and the effectiveness of its responses.

It is timely to enable sharing of progress, practices and challenges as companies seeking to understand how to meet these requirements and link them to efforts to meet their responsibility to respect human rights.

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