The Role of Business in Protecting Human Rights: Reflections from Practice

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Sydney Law School, 25 July 2019
Source: The Global Slavery Index 2018
What is Child Labour

1. Work undertaken by children under the legal minimum age
2. The worst forms of child labour as defined by Article 3 of ILO Convention No. 182

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.
Hazadous Child Labour

1. Hazardous child labour or hazardous work is the work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Guidance for governments on some hazardous work activities which should be prohibited is given by Article 3 of ILO Recommendation No. 190:
2. work which exposes children to physical, psychological or sexual abuse;
3. work underground, under water, at dangerous heights or in confined spaces;
4. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
5. work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
6. work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.
Konica Minolta Inc – our global business
Ethical Sourcing: Our Journey So Far

**RECOGNISE**
Recognition of the issue and how it applies to our business

**PLAN**
Putting policies and a plan of action in place

**EVALUATE**
Evaluation and continuous improvement

**ALIGN**
Alignment with Modern Slavery legislative requirements

**FUTURE**
Human Rights at Konica Minolta

Human Rights Position Statement
December 2019

The responsibility to respect human rights is integral to Konica Minolta. As a global company, we are committed to being a responsible corporate citizen that is vital to society. We believe that respecting and protecting human rights enables individuals, societies and businesses to flourish.

Corporate Social Responsibility:
Pathways to Sustainability & Shared Value 2020

Supplier Code of Conduct
August 2019

Konica Minolta

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Ethical Sourcing Roadmap

1. **Baseline**
   To examine Konica Minolta’s policy and procedures as they relate to ethical sourcing in its business operations and supply chain.

2. **Build**
   To create a foundation of good policies and procedures from which to build ethical sourcing practices.

3. **Embed**
   Ensure policies and procedures manifest in practice across business operations and supply chains.

4. **Improve**
   To measure the success of current initiatives, make recommendations for improvement and report on progress.

5. **Lead**
   To engage in continuous best practice and become a leading technology company in this space in Australia.
Global frameworks on Responsibility of Business for labour and human rights

- UDHR, ICCPR and ICESCR – The International Bill of Rights
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime
- ILO Forced Labour Convention (1930)
- Sustainable Development Goals (Goals 8, 12 and 17)
- UN Guiding Principles on Business and Human Rights
- UN Global Compact
- Responsible Business Alliance
- Global Reporting Initiative
- OECD Guidelines for MNEs
- OECD Due Diligence Guidance for Responsible Business Conduct
A changing legal landscape

- Emergence of modern slavery and ethical procurement legislation globally
- **EU**: Conflict Minerals Regulation
- **USA**: Federal regulations and Californian law
- **UK**: Modern Slavery Act introduced in 2015
- **France**: Duty of Vigilance Law
- **The Netherlands**: Child Labour Due Diligence
- **Locally here in Australia:**
  - NSW Modern Slavery Act (under inquiry)
  - Commonwealth Modern Slavery Act 2018 (effective 1 January 2019)
Definition of ‘Modern Slavery’; 
Modern Slavery Act 2018 (Cth), s 4

modern slavery means conduct which would constitute:
(a) an offence under Division 270 or 271 of the Criminal Code; or
(b) an offence under either of those Divisions if the conduct took place in Australia; or
(c) trafficking in persons, as defined in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000 ([2005] ATS 27); or
(d) the worst forms of child labour, as defined in Article 3 of the ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, done at Geneva on 17 June 1999 ([2007] ATS 38).
What does our Supplier Code of Conduct say?

Voluntary Employment

- Forced, bonded (including debt bondage) or indentured labour or involuntary prison labour: slavery or trafficking of persons shall not be used. This includes transporting, harbouring,

- recruiting, transferring or receiving persons by means of threat, force coercion, abduction or fraud for the purpose of labour or service. There shall be no unreasonable restrictions on workers’ freedom of movement including unreasonable restrictions on entering or exiting company-provided facilities. All work must be voluntary, and employees shall be free to terminate their employment in accordance with established laws, regulations, and rules. Employees must not be required to surrender their government issued identification, passports or work permits as a condition of employment.

Child Labour & Young Workers

- a) The term “child” refers to any person under the age of 15, or under the age for completing compulsory education, or under the minimum age for employment in the country, whichever is greatest. Child labour should not be used at any level of the supply chain.

- b) Young Workers, those under 18 years of age, shall not perform work that is likely to jeopardize their health or safety, including night shifts and overtime. Work shall not interfere with their education or be harmful to their mental, social or moral development.

Working Hours

- Working hours are not to exceed the maximum set by law,

- workers shall not be required to work more than 60 hours per 7-day week, including overtime, except in extraordinary business circumstances.

- Workers shall be allowed at least one day off every seven days.
UNGPs on Business and Human Rights

• “Respect, Protect and Remedy” Framework
  • The State Duty to Protect Human Rights
  • The Corporate Responsibility to Protect Human Rights
  • The need for a policy commitment by business (the first step)

• Human Rights Due Diligence
  • process of identifying and addressing the human rights impacts of a business enterprise across its operations and products, and throughout its supplier and business partner networks
  • include assessments of internal procedures and systems and external engagement with groups potentially affected by its operations
  • Ensuring effective avenues exist to address problems when they arise
Examining our Supply Chains

- Logistics and Warehousing
- Cleaning
- Goods and services we sell
- KMI Manufactured Products
- 3rd party products
- Brand-affiliated merchandise
- Uniforms
- Goods we don’t sell
- Our offices and service providers
Risk areas

- Conflict Minerals
- Electronics manufacturing
- Logistics
- Cotton
- Electronics
- Cleaning & security
- Outsourcing & sub-contracting
Next Phase: Continuous Improvement

- Investigate Supplier Verification
- Ethical Sourcing Clauses
- Current Supplier Checks
- Leadership & Advocacy
- Meet MSA Guidelines
- Standard Vendor T&Cs
- Vendors Incorporate Ethical Sourcing
- Leader of Best Practice
- Centralised Procurement Project
- Internal Training
Modern Slavery Act (Cth) Reporting requirements

“Modern slavery” is broadly defined in the Act to include all forms of trafficking in persons, slavery and slavery-like practices such as forced labor, debt bondage and deceptive recruiting for labor or services, and the worst forms of child labor.

Key Points:
Statements will be required to identify the reporting entity and describe:
• the structure, operations and supply chains
• the modern slavery risks in the operations and supply chains
• assess and address modern slavery risks (such as developing policies and processes and providing training to staff)
• the process of consultation with any entities and any other information that the reporting entity considers relevant
• details of the approval of the statement
Sustainable Development Goals
Goal 8: Decent Work and Economic Growth

Target 8.7
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
Collaboration in Ethical Sourcing

- The Responsible Business Alliance
  - The Responsible Mineral Initiative
  - The Responsible Labour Initiative
- Sedex
- FRDM
- Global Compact Network Australia (GCNA)
  - GCNA Modern Slavery Community of Practice
- Sydney Catholic Anti-Slavery Taskforce
- Cleaning Accountability Framework
Reflections from our practice

• Collaboration is critical to the success of the aims of the Modern Slavery legislation, both across and within industries and across sectors, including government, civil society and business

• Purpose-driven programs which are underpinned by guiding frameworks whilst requiring more effort to implement are far more likely to succeed

• This agenda represents a transformational opportunity for the business world to truly take up the challenge of directly contributing to the eradication of some of the worst forms of human rights violations, including the worst forms of child labour and other forms of modern slavery