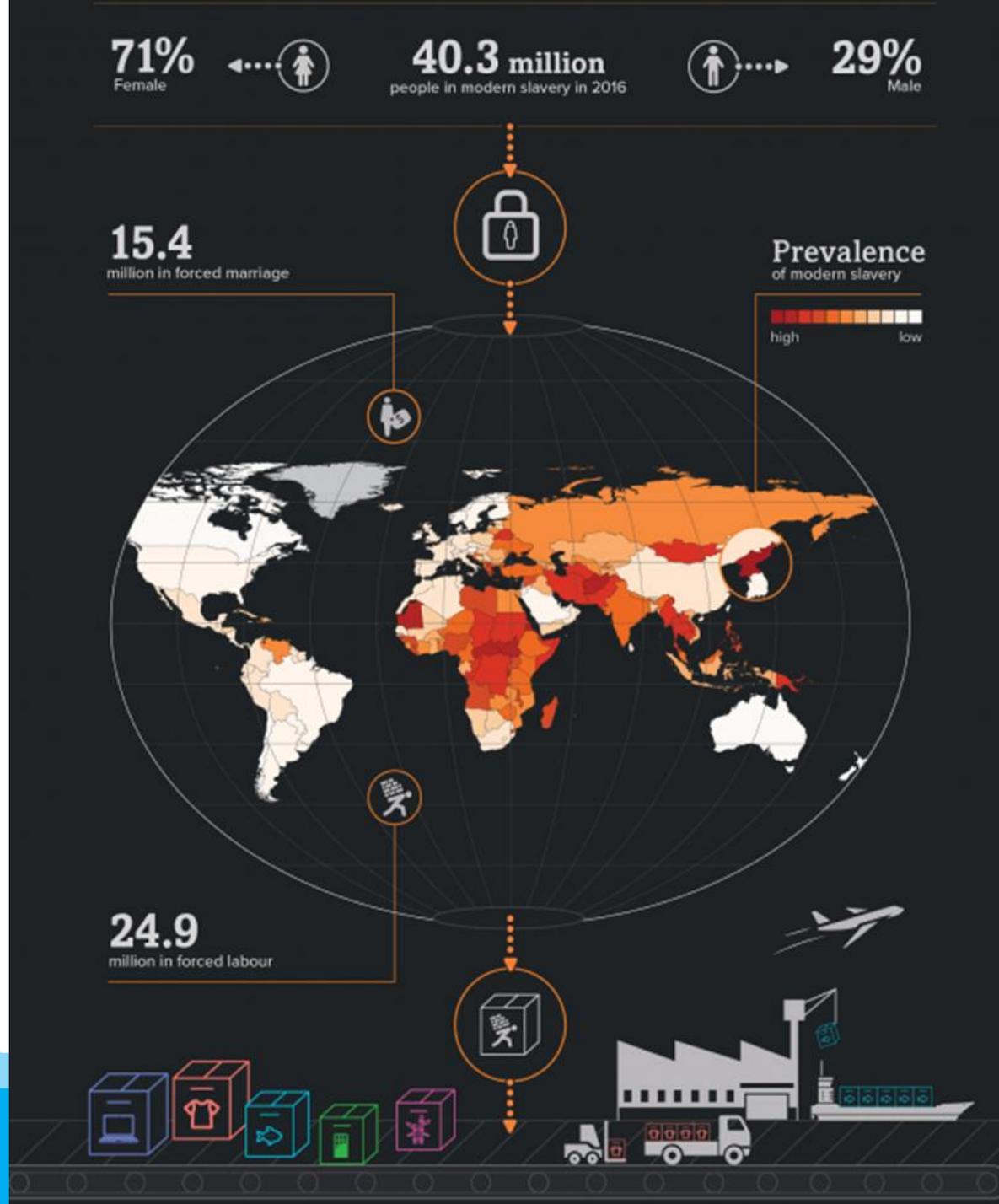


# The Role of Business in Protecting Human Rights: Reflections from Practice

Nicole D'Souza  
Ethical Sourcing Manager

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.

# Hazardous 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

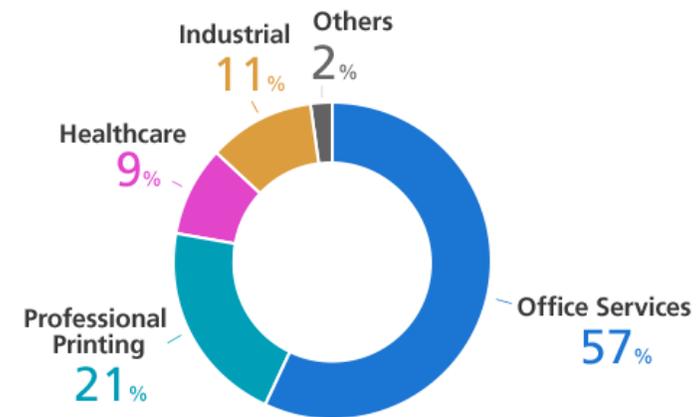
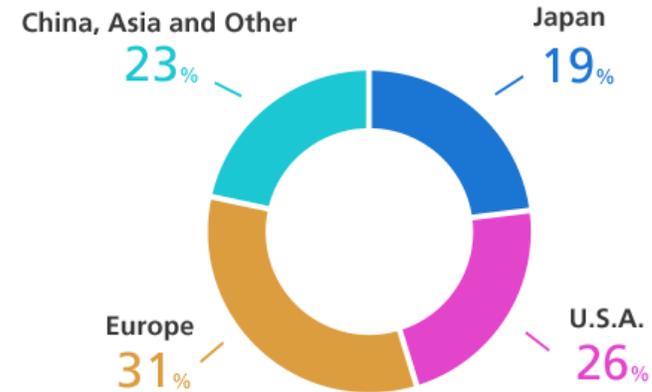
Founded in **1873**

Camera/Photographic Film

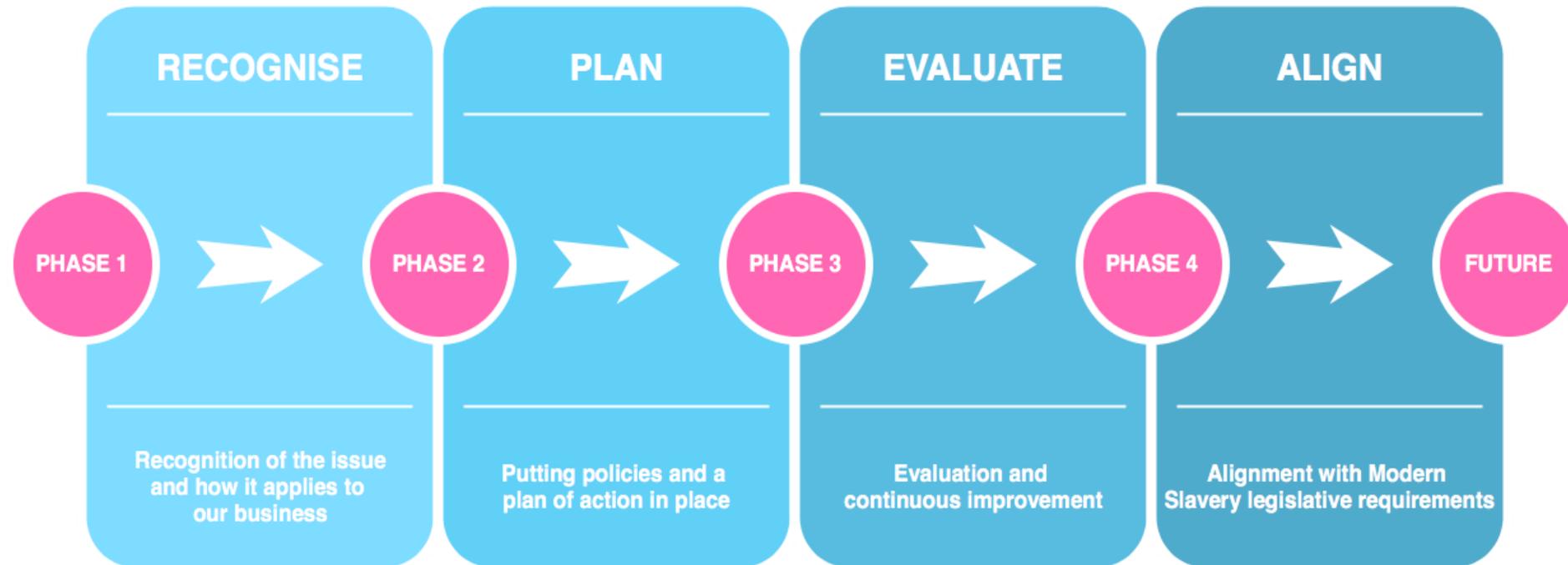
Core technologies

- Materials
- Nano-fabrication
- Optics
- Imaging

Present



# Ethical Sourcing: Our Journey So Far



# Human Rights at Konica Minolta



**KONICA MINOLTA** Giving Shape to Ideas

## Human Rights Position Statement

December 2016

*The responsibility to respect human rights is integral to Konica Minolta Australia's vision to be a robust and trusted company that is vital to society. We believe that respecting and protecting human rights enables individuals, societies and businesses to flourish.*

Internationally recognized human rights laws and standards provide a solid foundation for Konica Minolta's human rights framework. This includes, but is not limited to:

- International Bill of Rights
- International Labour Organization's Declaration on Fundamental Principles and Rights at Work
- United Nations Global Compact
- UN Guiding Principles on Business and Human Rights
- Sustainable Development Goals (SDG)

Konica Minolta is a company that cares; we care about our people, our customers and our community. It is through the lens we approach human rights to truly ensure that our operations do no harm and secondly make a positive contribution to the world we live in.

We believe that human rights are universal, indivisible and essential to sustainable development.

We acknowledge there are unique risks faced by different people including women and children, and migrant worker groups.

This statement communicates existing commitments and provides a framework to clearly articulate our approach to mainstreaming human rights. It applies across all entities owned or operated by Konica Minolta Australia.



**KONICA MINOLTA** Giving Shape to Ideas

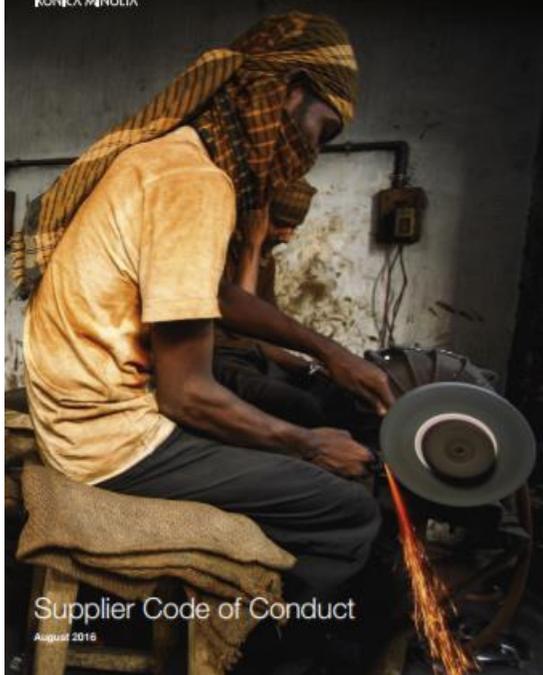
## Corporate Social Responsibility: Pathways to Sustainability & Shared Value 2020

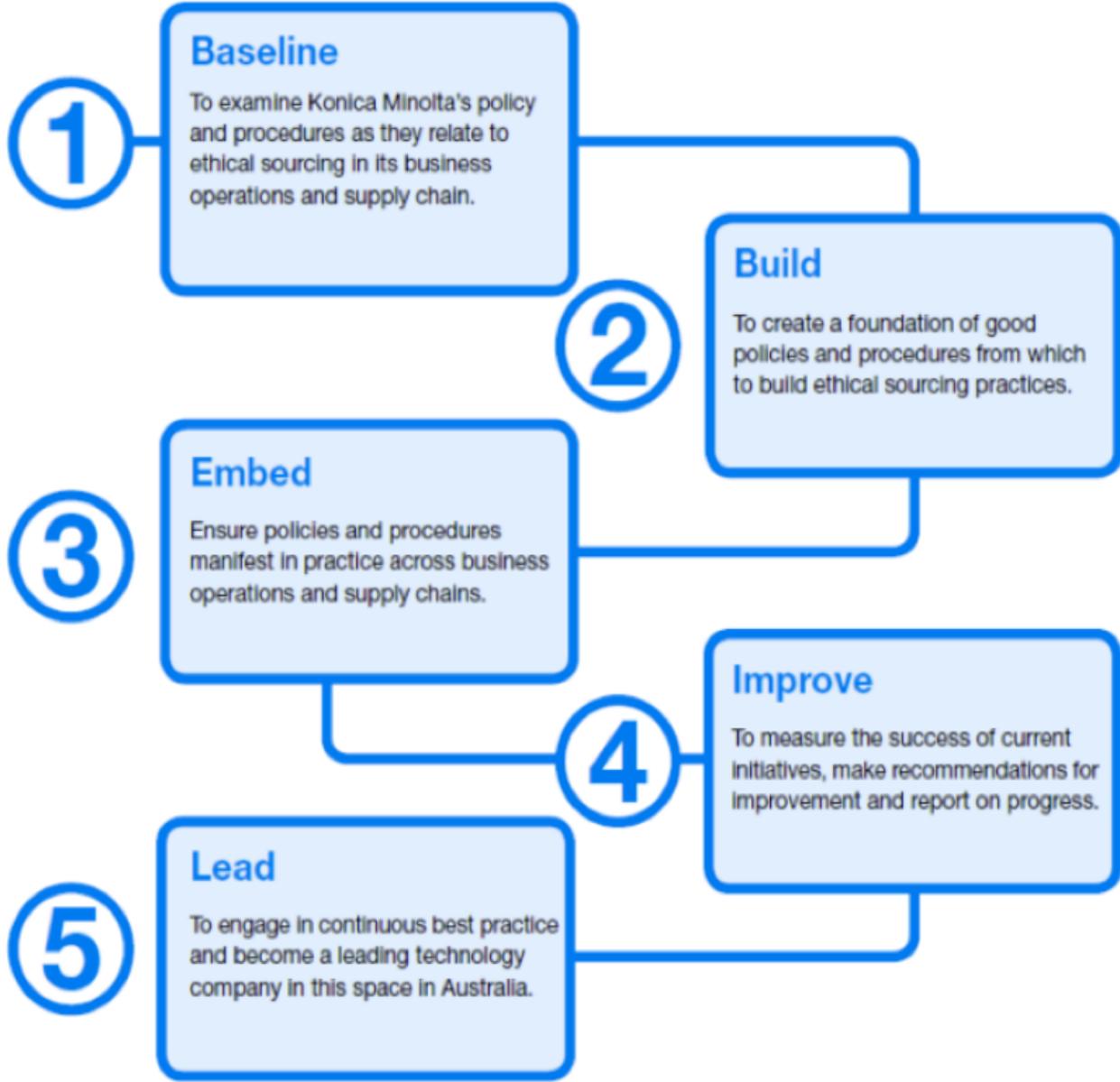
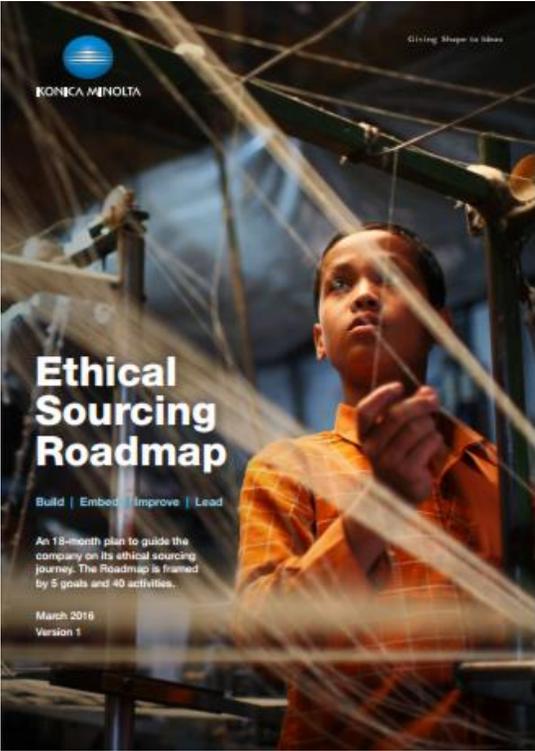


**KONICA MINOLTA** Giving Shape to Ideas

## Supplier Code of Conduct

August 2016





# 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)

ILO Protocol on Forced Labour  
(2014) (open for ratification)

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



# Risk areas

- **Conflict Minerals**
  - **Electronics manufacturing**
  
  - **Logistics**
  - **Cotton**
  - **Electronics**
  - **Cleaning & security**
  - **Outsourcing & sub-contracting**
- 





# 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