



Pending Human Trafficking Legislation Around the Globe

Australia	Australian Modern Slavery Act	<p>On August 16, 2017, the Australian Government announced its intention to introduce legislation that will require large businesses to report annually on actions taken to address modern slavery, including in their supply chains.</p> <p>It released a consultation paper on a proposed model for the Modern Slavery in Supply Chains Reporting Requirement. It proposed that this reporting requirement will require large corporations and other entities operating in Australia to publish annual statements outlining their actions to address modern slavery in their operations and supply chains. A central repository for modern slavery statements is also proposed.</p> <p>The government conducted a public consultation which, together with the Parliamentary inquiry process, will help determine the final content of the proposed legislation.</p> <p>A series of stakeholder roundtables were convened between August and December, 2017.</p> <p>Written submissions were also invited. Submissions closed on October 20, 2017.</p> <p>On June 28, 2018, the Assistant Minister for Home Affairs, the Honorable Alex Hawke MP introduced the <i>Modern Slavery Act 2018</i>.</p> <p>Effective January 1, 2019, Australia will require businesses and other organizations above a certain size (consolidated revenue of \$100 million) to report annually on the risks of modern slavery in their operations and supply chains, and the action they have taken to assess and address those risks, and the effectiveness of their response. Smaller businesses will be able to report voluntarily. To ensure high-level engagement, the statement has to be approved by the board of directors or equivalent and signed by a director. The statements will be publicly available on a central register maintained by the Commonwealth. The Commonwealth government itself, and those of its entities that satisfy the reporting revenue threshold, will also have to prepare a statement. The government will also establish a departmental unit to help business address slavery risks and prepare statements.</p> <p>Reports were originally due December 31, 2020. Due to the COVID-19 pandemic, reporting entities have extended deadlines for three months. Statements for the reporting period of July 1, 2019, to June 30, 2020, do not need to be submitted until March 31, 2021.</p>
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Germany	<p>National Action Plan, Implementation of the UN Guiding Principles on Business and Human Rights</p> <p>2016-2020</p> <p>Draft Supply Chain Bill</p>	<p>Germany released the National Action Plan, Implementation of the UN Guiding Principles on Business and Human Rights 2016-2020, which declares, “To supplement the existing structures, the Federal Government has shifted the focal point of its efforts toward the fight against human trafficking for the purpose of exploitative employment.”</p> <p>The German cabinet is drafting a supply chain bill that would require companies with more than 500 employees to ascertain whether their business activities abroad are undermining human rights, and to take counter measures, if needed. This draft bill would require companies to publish an annual report on what they are doing to prevent human rights abuses. This proposed legislation has been put aside by the Federal Ministry for Economic Affairs and Energy for the time being. This draft bill is expected to be formally introduced in 2021.</p>
Italy	<p>Italian National Action Plan on Business and Human Rights</p> <p>2016-2021</p>	<p>Italy published the Italian National Action Plan on Business and Human Rights 2016-2021, which calls to “conduct a comprehensive study of the Law 231/2001 in order to evaluate potential extension of the scope and application of the administrative liability of legal entities.”</p> <p>Planned measures include conducting “a comprehensive review of the existing commercial and civil law to assess and evaluate legislative reform introducing provisions such as the ‘duty of care’ or due diligence for companies.”</p>



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Netherlands	Child Labor Due Diligence Law	<p>On February 7, 2017, the Dutch Parliament adopted a bill that would require companies to conduct due diligence as to whether child labor is occurring in their own operations or in their supply chains effective 2020. On May 14, 2019, the Dutch Senate voted to adopt the bill.</p> <p>The Act contains a transitional provision which gives companies five years to reduce or remedy any potential offending supply commitments entered into prior to the effective date.</p> <p>The Act is not expected to be entered into force until mid-2022. The Dutch government has expressed the intention to prepare a General Administrative Order (GAO) in Fall, 2020, to identify the regulating body that will enforce the Act and detail companies' specific obligations to adhere to the statute.</p>
U.K.	<p>Amendments to the Modern Slavery Act, 2015</p>	<p>In April 2017, the U.K. Parliament's Joint Committee on Human Rights published a report on Human Rights and Business that urged the government to introduce new legislation and take stronger enforcement action to prevent business-related human rights abuses.</p> <p>The panel recommend that the government should introduce legislation that business enterprises could be liable to prosecution for failing to prevent human rights abuses.</p> <p>The proposal is similar to the U.K. Bribery Act, 2010.</p> <p>On January 22, 2019, the U.K. published an interim report on the Transparency in Supply Chains provision.</p> <p>The U.K. government has committed to strengthening section 54 of the Modern Slavery Act by gathering views on proposed measures intended to increase transparency and compliance, improve reporting quality and extend the scope of the legislation. Comments were due by September 17, 2019.</p> <p>In April 2020, the U.K. government published guidance regarding the slavery and human trafficking statements that certain businesses are obliged to publish annually under section 54. The guidance allows companies to delay publishing their statements by up to six months without penalty, if necessary, due to COVID-19. In early July 2020, the U.K. implemented the Global Human Rights sanction regime targeting individuals and organizations from around the world that are involved in serious human rights violations or abuses. On September 22, 2020, the U.K. Home Office published its response to a consultation in transparency in supply chains.</p>



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<p>Switzerland</p>	<p>Swiss Responsible Business Initiative</p>	<p>The Swiss Coalition for Corporate Justice is pushing the Swiss Responsible Business Initiative, an amendment to the Swiss Federal Constitution that would require companies to conduct mandatory human rights due diligence, in line with U.N. Guiding Principles responsibilities.</p> <p>On October 10, 2016, the Initiative was filed. On February 15, 2017, the Swiss Federal Council published its official dispatch on the Initiative, which is negative (not recommended).</p> <p>On June 14, 2018, a counterproposal was proposed that limits the scope to companies that exceed at least two of the following: 500 full-time positions on an annual average, annual sales of \$80 million Swiss Francs, and/or total assets of \$ 40 million Swiss Francs. The counterproposal also applies to companies that may have a particularly high risk of violating provisions for the protection of human rights and the environment.</p> <p>The counterproposal specifies that businesses will be required to identify potential and actual impact of their business activities on human rights and the environment; be required to identify and take action to mitigate risks, monitor the effectiveness of the measures they adopt and ensure effective remedies for violations.</p> <p>Companies would be legally obligated to comply with the provisions stated above and also, be liable for “damages caused to life and limb or property abroad by companies actually controlled by them,” but would not be liable if they can demonstrate they have undertaken due diligence to comply with the law. The bill was approved by the House of Representatives with 121 votes for and 73 against, with 2 abstentions.</p> <p>On March 12, 2019, the Senate, with a vote of 22 to 20, rejected discussion of the counter-proposal on responsible business put forward by the House of Representatives. The Senate also rejected the popular initiative by a vote of 25 to 14. With this decision, the counter-proposal heads back to the House of Representatives</p> <p>On June 13, 2019, the House of Representatives reaffirmed its decision and voted in favor of an indirect counter-proposal. On August 14, 2019, the Legal Affairs Committee of the Senate communicated its intention to enter into discussion of the counter-proposal and requested the Senate to support this proposal.</p>
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