

Anti-Slavery and Human Trafficking Policy



October 2019

Document Control

Document Information

Document title:	Anti-Slavery and Human Trafficking Policy
Document author:	Legal Counsel
Document reference number:	CPOL-LGL-006
Date approved by Executive Management Team: Date approved by OC Board:	5 November 2019 20 November 2019
Date and outcome of Equality Impact Assessment:	5 November 2019 – positive impact on protected characteristics
Date document issued:	8 January 2020
Review date, if applicable:	Not applicable
Target audience: (e.g. all staff)	All staff
Subject area: (e.g. Finance, HR, Legal)	Legal

Version History

Version No	Lead	Date change implemented	Reason for change
0.1	Chief Legal Officer	08/01/2020	Policy implemented
0.2	Chief Legal Officer	18/02/2020	Policy updated following Gowlings review

Consultation History

Position	Organisation
Chief Legal Officer	Birmingham Organising Committee for the 2022 Commonwealth Games Limited
Chief Marketing and Communications Officer	Birmingham Organising Committee for the 2022 Commonwealth Games Limited

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1. Policy Statement

- 1.1.** Modern slavery is a crime and a violation of fundamental human rights. It can take many forms, including forced labour, slavery, servitude and human trafficking. This crime can manifest itself in many ways, but what each of its forms will have in common is the exploitation of a person for another person or another person's (or organisation's) benefit. The Modern Slavery Act 2015 ("MSA") consolidates anti-slavery and human trafficking offences into one piece of legislation.
- 1.2.** The Birmingham Organising Committee for the 2022 Commonwealth Games ("Birmingham 2022") has a zero-tolerance approach to modern slavery and Birmingham 2022 is committed to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in its own business or in its supply chains.
- 1.3.** This policy applies to all persons working for Birmingham 2022 or on its behalf in any capacity, including employees at all levels, directors, officers, secondees and consultants.
- 1.4.** This policy does not form part of any employee's contract of employment and Birmingham 2022 may amend it at any time.

2. Responsibility for the Policy

- 2.1.** Birmingham 2022's Board has overall responsibility for ensuring this policy complies with its legal and ethical obligations and that all those under its control comply with it.
- 2.2.** The Head of Procurement has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it and auditing internal control systems and procedures to ensure they are effective in countering modern slavery.
- 2.3.** The relevant managers in each functional area are responsible for ensuring those reporting to them understand and comply with this policy.
- 2.4.** This policy is available for staff on SharePoint or the Intranet as appropriate.

3. Compliance with the Policy

- 3.1.** All persons working for Birmingham 2022 must ensure that they read, understand and comply with this policy.
- 3.2.** Birmingham 2022 is a contracting authority defined by and regulated by the Public Contracts Regulations 2015. In order to support its zero-tolerance approach to modern slavery, Birmingham 2022 has incorporated into its standard procurement documents specific contractual provisions relating to modern slavery and has implemented a number of systems with its contracting and supply chain:
 - a) before procurement takes place, Birmingham 2022's procurement working group uses a series of key characteristics (such as sourcing geography, industry type, nature of work and supply chain model) to identify whether the contract is at high or medium risk of modern slavery occurring and, based on the anticipated level of risk associated with the relevant characteristics, will

seek to ensure that subsequent procurement and contract management activity are proportionate;[Caroline is checking this and the remaining (b)-(f) with Procurement]

- b) all of Birmingham 2022's tenders which are over the OJEU threshold include the Standard Selection Questionnaire (SQ) which includes a mandatory exclusion question regarding compliance with the Modern Slavery Act 2015;
- c) Birmingham 2022 may also require proposed suppliers to:
 - i. provide:
 - A. evidence of the recruitment methods used for staff delivering the contract;
 - B. details of workforce conditions in factories used to produce goods to be delivered under the contract, including wages, working hours and rest breaks; and
 - C. evidence of the processes which they have in place to identify and address modern slavery risks in their supply chains; and
 - ii. complete a specified Modern Slavery Assessment Tool ("MSAT");
- d) in its supply contracts and standard terms of business Birmingham 2022 have included express terms requiring its counterparties to comply with all applicable laws relating to anti-slavery and human trafficking, with a requirement for them to include similar requirements in their own contracts and subcontracts and to notify Birmingham 2022 if they become aware of any slavery or human trafficking in their own supply chains;
- e) Birmingham 2022 will require all current suppliers to make positive written affirmations that:
 - i. they do not; and
 - ii. their direct supply chain does not endorse, enable or facilitate human trafficking or slavery within their business, and Birmingham 2022 has built this requirement into its supplier processes;
- f) Birmingham 2022 will undertake close contract management of higher risk agreements and may itself, or through the use of specialist third-party auditors, carry out internal and/or external audits, site-visits or spot-checks of all suppliers and members of each supplier's direct supply chain to verify the supplier's own assessment of its compliance with applicable laws relating to anti-slavery and human trafficking. Birmingham 2022 may also require existing suppliers to complete the MSAT.
- g) Failure by a supplier to comply with the processes described above will lead to an investigation and may result in Birmingham 2022 taking such action as it considers necessary to prioritise the safety and security of actual or potential

victims of slavery; this may ultimately result in the supplier's contract being terminated.

- 3.3.** The prevention, detection and reporting of modern slavery in any part of its business or supply chains is the responsibility of all those working for Birmingham 2022 or under its control. All persons working for Birmingham 2022 are required to:
- a) complete annual training on modern slavery. The obligations at 3.3(b) will be covered in the training]; and
 - b) avoid any activity that might lead to or suggest a breach of this policy.
- 3.4.** You must notify the Head of Procurement as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future and you must treat all associated information sensitively and appropriately. You must not disseminate the relevant information further without the prior written authority of the Chief Legal Officer or otherwise as required by law. Alternatively, you may wish to contact the Modern Slavery Helpline on 0800 121 700 or online at www.modernslaveryhelpline.org. The Modern Slavery Helpline is an independent, confidential advice service where you may access further information and support regarding all forms of slavery and where you may report concerns, issues or suspicions of modern slavery, anonymously if preferred.
- 3.5.** All persons working for Birmingham 2022 are encouraged to raise concerns about any issue or suspicion of modern slavery in any parts of Birmingham 2022's business or supply chains of any supplier tier at the earliest possible stage.
- 3.6.** If you are unsure about whether a particular act, the treatment of workers more generally, or their working conditions within any tier of Birmingham 2022's supply chains constitutes any of the various forms of modern slavery, this should be raised with the Head of Procurement.
- 3.7.** Birmingham 2022 aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken. Birmingham 2022 are committed to ensuring that no one suffers any detrimental treatment as a result of reporting in good faith their suspicion that modern slavery of whatever form is or may be taking place in any part of its business or in any of its supply chains. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Head of Procurement immediately. If the matter is not remedied, and you are an employee, you should raise it formally using Birmingham 2022's Grievance and Complaints Resolution Policy and Procedure.

4. Communication and Awareness of the Policy

- 4.1.** Birmingham 2022's commitment to addressing the issue of modern slavery in its business and supply chains shall be communicated to all its employees, secondees,

and consultants at the outset of the relationship with them and reinforced as appropriate thereafter.

5. Breaches of the Policy

- 5.1.** Birmingham 2022 will prioritise the safety and security of the victims of slavery, particularly children and will aim to implement remedial measures which work for them and improve their situation.
- 5.2.** Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 5.3.** With regard to other individuals and organisations working on its behalf who breach this policy, Birmingham 2022 will review all actions available to it in light of achieving the best outcome for victims. Such actions may include suspension, the sharing of past performance information with other public sector contracting authorities and, where it does not provide a perverse outcome for victims, termination of its relationship with the relevant individual and/or organisation. [This section should detail the general roles and responsibilities for implementation and operation of the policy. There may also be sub headings to cover the range of duties held by individuals and/or committees within Birmingham 2022.]

6. Monitoring

- 6.1.** The Chief Legal Officer and the Head of Procurement will monitor the implementation of this policy and any subsequent revisions, this will include:
 - a) preparing an annual Modern Slavery Statement to be approved by the Board of Birmingham 2022 and which is published on the Birmingham 2022 website;
 - b) overseeing implementation of the relevant training for all persons working for Birmingham 2022; and
 - c) monitoring Birmingham 2022's compliance with the relevant legislation.

7. Review

- 7.1.** This policy will be subject to review biannually after its date of approval. Earlier review may be required if any of the following occur:
 - a) the adoption of the policy highlights any errors or omissions in its content;
 - b) amendments are required to the content of the policy as a result of changes in Birmingham 2022's approach; and
 - c) where relevant changes in legislation or national guidance impact upon the content of this policy.

8. References

- Modern Slavery Act 2015
- Tackling Modern Slavery in Government Supply Chains, PPN 05/19 September 2019
- Procurement Policy, Birmingham 202