
Submission to the Independent Anti-Slavery Commissioner

Concerning the Consultation on a Central Repository for Statements under S 54 of the Modern Slavery Act 2015

19 January 2017

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I. Functions

i. Filing of Statements

Please detail how you think statements should be filed including information on; whether companies will be required to submit the statements themselves, and if they would have to pay do so and if, in addition to companies own submission of statements you believe the central repository should scrape the internet and collate statements.

It is important that the repository is comprehensive and contains all the company statements, these being updated on an on-going basis. The government should clearly indicate to businesses that as well as making a statement they should supply a URL to the agreed central registry where it can be immediately accessed. This should be compulsory. If companies file this information and the link themselves, an automated input/ registration system can also collect key details on submissions such as date, sector, turnover, employee numbers, operations locations etc, which can help with search and assessment by those filters. It should also seek to indicate where a company has not filed by its deadline.

Registering a company statement on the register should not replace the requirement of a link to the statement in a prominent position on company websites.

Any company should be allowed to register a link to their Modern Slavery Statement including any smaller companies who fall below the £36 million turnover threshold.

Whilst such a system is initiated, it might be that some form of automated internet-scraping (automatic data collection from websites) would be an effective way to collect statements.

The register should be free to all users including companies adding their statements and others accessing that information.

The government and civil society have key roles to play in advertising the register of statements and encouraging civil society, unions, peer companies and the general public to scrutinise the statements. This will drive improvements in company practice and the integrity of the statements.

Those responsible for public procurement in particular should use the register and company Modern Slavery statements when undertaking due diligence or awarding contracts.

A publicly available list of companies required to publish statements would be a useful aid to those seeking information from the register, help hold to account companies that fail to supply such a statement and greatly aid manual collection of statements if required.

ii. Searchability and Accessibility

Please provide information on what functions the repository should have in terms of categorisation, search, access, APIs etc. The register should be entirely digital and accessible to all users at all times. The register should not require users to create an account or pay any charge to access the information available. Users should be able to search the repository for statements by company name, sector, and country of headquarters, number of direct employees, and potentially, risk area.

To date, some modern slavery statements have been extremely short, covering just enough detail to be legally compliant. A filter and possibly red flag system to indicate such short submissions could encourage better engagement.

Companies that are conglomerates, holding companies or have subsidiary brands should be required to submit details of their prominent brands, and search filters should include ways to easily identify the key brands owned by companies.

Additional functionality to encourage timely submission by companies could include an indicator that a statement was submitted on time.

To aid academic and other research, the repository should also feature an open source API (downloadable full database). This will facilitate rigorous academic research beyond the use of the repository's own search-engine.

iii. Analysis of Statements

Please provide information on whether a repository should also provide analysis and/or commentary on company's statements and if so how this would be resourced and presented.

IHRB is a partner in the [Corporate Human Rights Benchmark](#) initiative,¹ which seeks to rank companies on responsible business practices along a key set of criteria. The repository is an opportunity to undertake a similar assessment by comparison with peer companies and international standards of company policies, procedures and performance. Having all statements accessible from one central point will make such assessments far easier, whether this assessment is undertaken internally by the repository operator or by external assessors and researchers.

The operator of the repository should not offer paid-for advice or other services to individual companies to improve their statements, policies or procedures. Nor should it provide commentary or assessments on an individual company to peer or competitor companies.

¹ See: www.corporatebenchmark.org

iv. Format of Statements

Please provide information on what format the statements will be filed in and how this will best allow the public to undertake their own analysis.

Filing details of a statement should not be onerous, bureaucratic or time consuming. There should be a simple online form requesting a key set of criteria to allow search filters to operate effectively.

Safeguards need to be put in place to ensure details and URLs are genuine and checks need to be in place to ensure statements are authentic before the verified details are added to the repository. It might be that this system can be automated by the insertion of a small piece of computer code on the company website (common practice for website owner verification). The repository should also feature access to all company statements over a given time period. This may mean that companies need to provide archive access to previous statements perhaps for a minimum of the last 3 years.

The operator should produce a monthly list of newly registered statements supplied directly to the Anti-slavery Commissioner and also made available to the general public.

II. Branding & Stakeholder Engagement

i. Stakeholder Engagement

How should a central repository work to engage partners to interact with the information it provides in order to leverage and promote change and best practice? How can the media, academia, NGOS and others be encouraged to use the repository?

The easier the repository is to access and use the more effective it will be in providing accurate information to the general public and in encouraging proper engagement and promoting improved practice by business. The design of the repository and its functions should therefore be as user friendly as possible and avoid jargon or legal terminology. Any person or organisation should be able to subscribe to a specific monthly update service that lists all new additions (grouped by sector) to the register. This update should include working URLs to the newly registered company statements to encourage quick click-through without having to visit and search the main repository. To encourage engagement this could also feature company best practice examples. Consideration should also be given to providing some kind of helpline numbers/ email contacts for people wishing to access help or report exploitation and abuse.

ii. Branding

Please provide further information on how the brand of the website should be built to ensure that it is a trusted source for businesses to engage with. Please also state whether the repository should be hosted within the website of an existing organisation or be a stand alone website?

We believe the repository should be managed by an independent, credible body, preferably a non-profit organisation, which should not be a campaigning organisation.

We believe the existing repository on the Business and Human Rights Resource Centre (BHRRC) fulfils these criteria. It is well managed, easily searchable and trusted by business. We believe BHRRC would be an ideal candidate to host and manage the repository going forward.

We believe however that the repository should have a stand-alone website. This will enable it to develop a clear separately branded identity beyond the BHRRC or any other provider.

Much of the branding and graphic imagery around modern slavery concentrates excessively on the most extreme forms of trafficking and its victims. This often includes graphic images of padlocks, chains and incarceration. Whilst this can attract interest and catalyse action, such imagery does not accurately capture the reality of modern slavery. These rights abuses are most often closely linked with more typical kinds of work and the chains that bind are usually not physical but more often financial. We would hope that the repository's mission and website rather than highlighting only the most egregious examples would reflect that reality and present itself as a tool for working through systemic challenges for business, a showcase for best practice and a device that was encouraging and enabling of fresh thinking, policies and practice.

III. Sustainability

i. Sustainability

The IASC requires any central repository model to be financially sustainable, ethical, and, have the potential to develop in response to changing need and advances in technology. Please provide details on how you think this should be assured.

The repository must be operated totally independently of business and corporate entities of any kind and in no way should be funded or sponsored by any business interest. Nor should advertising around the repository (including advertisers such as Google AdSense) be used as a funding model. Funding should also not come from campaigning organisations or trade unions. Instead, funding should come from trusts or foundations and support from the Government and the Office of the Independent Anti Slavery Commissioner will be helpful in securing this.

Funding for the repository must be clearly defined, ring-fenced and not be part of a larger funding package for the operator.

The operator must ensure that the repository continues to evolve and be able to accommodate improvements and changes in technology. The repository should be on a responsive website design and thus accessible and navigated easily by internet enabled mobile phone. The development of an app for the repository could be another option.

A future possibility might be the inclusion of a link to a company's modern slavery statement accessed by mobile phone app through a barcode or QR code on a product before or after purchase. This may align with ways to verify the provenance of goods including using blockchain technology. The repository should keep abreast of such technological advances and be responsive where appropriate or able to add value.

IV. Governance

i. Governance Mechanisms

Please state what governance mechanisms and standards should be or are in place for any central repository.

The repository should be governed by an independent advisory board representing all the different stakeholder groups. The role of this body should be to oversee and guide the repository on its operation, brand identity, and financial management. This body should include representatives from civil society organisations, trade unions, trade bodies, the ETI and academia.

The repository and its operation should be independent of government, however, liaison with the office of the Anti-slavery Commissioner should ensure the repository is able to maximise its reach, authority and engagement with business.

V. Other

i. The Importance of an International Perspective

All approaches to tackling modern slavery should be international in outlook and the Modern Slavery Act Statement Repository should reflect that. Where appropriate the operator should have the capacity to accommodate and deal with queries and requests for information from a broad range of international locations and at all levels from academic research, civil society organisations and business through to formal engagement with government departments.

In the future the repository may become part of a wider transparency network focussed on the prevention of modern slavery and its development and operation should be undertaken in such a way to enable collaboration wherever appropriate. The operation of the repository should also be seen as a learning opportunity and help, advice and information should be offered when requested to other countries seeking to set up similar models.

Compliance with the Modern Slavery Act transparency provisions and key criteria for statements signed at executive level, has not been undertaken by all companies who fall under its reporting requirements. This can also include failure to produce a statement at all. It is important that companies failing to comply with the act are identified and full compliance ensured. The register will serve a useful function in ensuring compliance but only if appropriate enforcement activity is also taken against non-compliant companies.

Founded in 2009, IHRB is the leading international think tank on business and human rights. IHRB's mission is to shape policy, advance practice and strengthen accountability in order to make respect for human rights part of everyday business.