



**In Australia, for every
detected victim of
modern slavery,
four go undetected**

**Australian Red Cross
submission to the Attorney-General's
Department on Strengthening the
Modern Slavery Act 2018 (Cth)**

Date: August 2025

About us

Established in 1914 and by [Royal Charter](#) in 1941, Australian Red Cross is auxiliary to the public authorities in the humanitarian field. We have a unique humanitarian mandate to respond to disasters and emergencies. This partnership means governments can benefit from a trusted, credible, independent and non-political partner with local to global networks, who will work to implement humanitarian goals in a way that maintains the trust of government and Australian society.

Australian Red Cross is one of 191 Red Cross or Red Crescent National Societies that, together with the International Committee of the Red Cross (ICRC) and International Federation of Red Cross and Red Crescent Societies (IFRC), make up the International Red Cross and Red Crescent Movement (the Movement) – the world's largest and most experienced humanitarian network.

The Movement is guided at all times and in all places by seven [Fundamental Principles](#): Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality. These principles sum up our ethics and the way we work, and they are at the core of our mission to prevent and alleviate suffering.

We remain neutral, and don't take sides, including in politics; enabling us to maintain the trust of all and to provide assistance in locations others are unable to go. Volunteering is in our DNA, and thousands of volunteers and members support us every day, helping solve social issues in their own communities. All our work is inspired and framed by the principle of Humanity: we seek always to act where there is humanitarian need.

Core areas of expertise for Australian Red Cross include Emergency Services, Migration, International Humanitarian Law (IHL), International Programs, Community Activities and Programs.

Highlights from our [2023-24 Annual Report](#):



16,800+
members and volunteers
acting for humanity



213,000+
Australians supported during
33 emergency activations

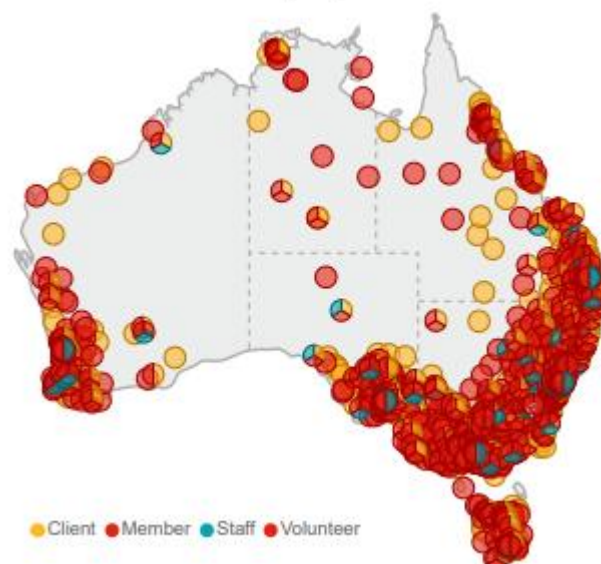


78,000+
social support hours
delivered



23,600+
people from 129 countries
supported through migration
programs

Location of Red Cross people and clients



Purpose

The Attorney-General's Department in the Australian Government is seeking feedback and input to inform work to strengthen the *Modern Slavery Act 2018* (Cth) (the Act), particularly evaluating options to enhance the framework, simplify and improve reporting, and target non-compliance.

Australian Red Cross views the Act to be critical legislation in addressing a significant humanitarian issue. Through our programmatic work with people with lived experience, we see the impact of modern slavery first-hand and have unique insight into the way business actions can either heighten risks or strengthen protections for people within Australian workplaces. We view the actions to strengthen the Act as essential to maintain momentum in building stronger protections. In our response to questions within this submission, the following themes are recurring and crosscutting:

- The Act needs to support businesses to move beyond policy to practical actions that lead to tangible outcomes for people,
- People at risk of, or experiencing, modern slavery must remain central to the design, implementation, and evaluation of all actions, and
- Actions to strengthen the criteria should have an increased focus on prevention and early intervention.

Within this submission, Australian Red Cross will respond to each question within PART A.¹

¹ Quotes are included with the person's consent and attributed based on their preference.

Summary of recommendations

Australian Red Cross recommends that the Australian Government:

Recommendation 1:

Change the proposed reporting criteria wording to strengthen the legislative focus on prevention, meaningful engagement with workers and people with lived experience of modern slavery, and due diligence actions that create substantive change for people at risk of, or experiencing, modern slavery. This includes:

- (i) ensuring that the Act explicitly requires organisations to 'implement actions' to identify, prevent, address, and, where applicable, remediate modern slavery
- (ii) inclusion of the word 'prevent' in criterion 4.b,
- (iii) refining and increasing the list of suggested areas of action for delegated legislation to expand iv to include '*prioritising the voices of workers and people with lived experience of modern slavery*' and include additional measures at v (*Measures to promote and advance work rights*), vi (*Consideration of purchasing practices*) and vii (*Collaborative measures*)
- (iv) ensuring that monitoring of implementation and effectiveness is outcome focussed in section 4.c.

Recommendation 2:

Develop supporting guidance that is clear, practical, and with sufficient direction to ensure that compliance with the Act is synonymous with impact to people. This includes:

- (i) the development of a tool or list defining inherent category risk,
- (ii) an evidence base evaluating the effectiveness of due diligence actions, and
- (iii) supporting material describing complexities hindering progress - providing sector-specific guidance to help organisations move from high-level actions to tailored interventions.

Recommendation 3:

Focus reporting requirements for proposed criterion 5 & 6 on:

- (i) the steps an organisation has taken to ensure mechanisms and processes are effective,
- (ii) data that can identify trends and key learnings, and
- (iii) actions taken to provide remedy and strengthen due diligence process in response to these findings.

This will further strengthen early detection and response to exploitation, strengthening the proposed inclusion of grievance mechanisms and remediation criterion.

Response to questions:

PART A – Mandatory reporting criteria

1. Question 1. Do you support the potential changes to the reporting criteria? Are any further changes needed to the reporting criteria?

1.1. **Yes**, Australian Red Cross supports the potential changes and recommends the following amendments.

1.2. **In agreement:**

1.2.1. **Point 1:** The addition of a requirement for statements to identify entities owned or controlled by the reporting entity is a positive change leading to increased transparency.

1.2.2. **Part 4:** The removal of the compound structure from the current wording for Criterion 4 is an improvement and allows for greater clarity as organisations respond to each sub point. Replacing ‘assess the effectiveness’ with ‘monitor the implementation and effectiveness’ (4.c) is also positive. Aligning these monitoring actions to subparts 4.a and 4.b may reduce confusion and disparate approaches to reporting on measuring effectiveness, provided that clear guidance ensures that this amendment does not lower the emphasis on organisations evaluating the efficacy of their actions. Australian Red Cross has outlined key amendments and clarifications below to ensure that changes to these criteria translate to meaningful outcomes for people.

1.2.3. **Part 5 & 6:** Part 5 and 6 are a welcome inclusion, provided that clear parameters are in place to ensure these reporting exercise translate efforts into tangible impact.

1.3. **In addition, we recommend further changes to strengthen the reporting criteria across paragraphs 1.4, 1.5, 1.6 and 1.7.**

1.4. **Ensure that the Act explicitly requires organisations to ‘implement actions’ to identify, prevent, address, and, where applicable, remediate modern slavery.**

1.4.1. The intent of the Act is to encourage organisations to take action to eradicate modern slavery from their operations and supply chain. However, in creating a requirement to ‘report’ rather than a requirement to ‘act’ to address modern slavery, the impact of the Act is inherently limited.²

1.4.2. Organisations can meet the requirements of the Act by declaring they have not taken any steps to identify or address modern slavery, nor have any intention to do so.

1.4.3. To strengthen this, the Act should go beyond requiring an organisation to simply ‘describe’ their due diligence processes and instead impose an obligation on organisations to implement and utilise these processes to actively prevent and address modern slavery.³ This more direct method, requiring organisations to act, may promote meaningful and effective action to address modern slavery amongst reporting entities, ultimately leading to increased protections for people.

1.4.4. Australian Red Cross acknowledges that targeted consultations for introducing obligations for a due diligence system (Recommendation 11) will be considered as part of Stream B and reiterates the need for the outcome to be reflected in the wording and intent of reporting criterion.

² For more detailed response to this point, please see Australian Red Cross, (2022). Review of the Modern Slavery Act 2018: Submission to Professor John McMillan, AO, supported by the Attorney-General’s Department.

³ As outlined as a suggestion in McMillan, J. (2023). Report of the statutory review of the Modern Slavery Act 2018 (Cth): The first three years. Commonwealth of Australia

1.5. Include ‘prevent’ in 4b, e.g. “actions taken to *prevent* and address modern slavery risks”

- 1.5.1. Australian Red Cross considers a focus on prevention as central to achieving any lasting progress in the eradication of modern slavery, as it shifts the emphasis from the identification and response to incidents to a broader examination of root causes of vulnerability.
- 1.5.2. Therefore, we recommend the inclusion of the word ‘prevent’ in proposed criterion 4.b. This would align the criterion with Principle 17 of the United Nations Guiding Principles on Business and Human Rights (UNGPs) which specifies that businesses should take steps “to identify, **prevent**, mitigate and account” for their actual and potential adverse human rights impacts.
- 1.5.3. While we acknowledge that the Consultation Paper states that ‘addressing’ risks may include actions to cease, prevent or mitigate modern slavery, we view the explicit inclusion of the term ‘prevent’ within the criterion as essential.
- 1.5.4. Including the word prevent would encourage organisations to adopt a proactive, problem-based approach to due diligence, focusing on addressing underlying contributing factors and systemic power imbalances, rather than simply reacting to indicators or red flags.
- 1.5.5. A key part of prevention also involves early intervention and remediation of poor work conditions that fall along the continuum of exploitation. Our engagement with people who have lived experience of modern slavery highlights how perpetrators gradually and strategically escalate exploitative practices into severe forms of abuse that ultimately traps individuals in situations they cannot escape. These practices are not only indicators of potential modern slavery cases, but also harmful in their own right, and therefore warrant investigation, intervention and remedy.

1.6. Refine and increase the list of suggested action areas in 4b to prioritise the voices of workers and people with lived experience of modern slavery, measures to promote and advance work rights, consideration of purchasing practices and collaborative measures:

- i. Internal governance processes
 - ii. Organisational policies
 - iii. Training of staff
 - iv. Engagement with internal and external stakeholders, prioritising the voices of workers and people with lived experience of modern slavery
 - v. Measures to promote and advance work rights
 - vi. Consideration of purchasing practices
 - vii. Collaborative measures
- 1.6.1. Australian Red Cross understands the items i, ii, iii, iv, are considerations for delegated legislation, and have been prioritised based on their alignment with the UNGPs and harmonisation with global legislation. However, we believe there is scope to revise and expand this list to ensure requirements prioritise actions that lead to substantive change for people at risk of, or experiencing, modern slavery.
 - 1.6.2. The Statutory Review of the Act found that organisations are ‘*taking the Act and the reporting requirement seriously*’⁴ but according to the Review, there is no hard evidence that the Modern Slavery Act has caused meaningful change for people living in conditions of modern slavery or that the drivers of modern slavery are being addressed.⁵

⁴ McMillan, J. (2023). Report of the statutory review of the Modern Slavery Act 2018 (Cth): The first three years. Commonwealth of Australia.

⁵ McMillan, J. (2023). Report of the statutory review of the Modern Slavery Act 2018 (Cth): The first three years. Commonwealth of Australia.

- 1.6.3. This is also a sentiment echoed by people with lived experience of modern slavery, who have shared with Australian Red Cross, that due diligence measures implemented by organisations are often failing to prevent modern slavery or detect and respond appropriately to indicators.
- 1.6.4. Many organisations have already made efforts to update policies and governance structures, with limited evidence of tangible change for people at risk of, or experiencing, modern slavery. In this sense, governance (i.) and organisational policies (ii.) lay a necessary foundation for embedding human rights standards, but their effectiveness ultimately depends on the strategic decisions and actions taken to translate the commitment into practice.
- 1.6.5. Any reporting requirements must consequently focus on the actions driven by these strategic commitments.

“Companies need to go beyond policies and actually take action. In my experience, having policies on paper didn't mean really anything when you know it's not really being enforced, or no one is actually enforcing them. Companies should actually audit their practises and supply chains and listen to their workers. It's also important to partner with organisations that you know can provide support to people like me.”
- Person with lived experience

- 1.6.6. Based on our experience delivering the Support for Trafficked People Program, developing and managing the Work Right Hub, our active role in anti-modern slavery networks, and our consultations with both migrant workers and people who have lived experience of modern slavery, the following action areas are recommended.
- 1.7. Regarding prioritising the voices of workers and people with lived experience of modern slavery (4b.iv):**
- 1.7.1. Australian Red Cross recommends explicitly highlighting ongoing and meaningful engagement with workers and people with lived experience as a reporting requirement, rather than a subpoint in multi-stakeholder engagement (iv.)
 - 1.7.2. The Act differs from conventional corporate due diligence due to its focus on ‘risks to people’ affected by an organisation’s activities, rather than ‘risk to the business’ through legal, reputational or financial consequences. As such, the Act exists to protect and advance the rights of workers, impacted community members, and survivors of modern slavery. It follows then that the experiences, perspectives, and interests of these individuals should deeply inform the design, implementation, and evaluation of due diligence measures.
 - 1.7.3. However, too often workers are seen as passive recipients of protective measures, rather than individuals with both agency and insight to inform the accurate assessment of risks and to provide feedback on effectiveness of due diligence actions.
 - 1.7.4. Engagement with these individuals should be designed to account for language and other potential barriers, in line with UNGP 18.
 - 1.7.5. Any legislation or guidance must ensure that reporting requirements on stakeholder engagement is substantive rather than symbolic, by requiring organisations to outline actions taken in response to feedback provided

1.8. Regarding the promotion and protection of work rights (4b.v):

- 1.8.1. Our consultations with migrant workers and people with lived experience of modern slavery has highlighted the need for employees (particularly migrant workers) to receive clear and accessible guidance on their entitlements in their own language. This includes but is not limited to; wage details, working hours, breaks and overtime, employment contract type, tax and superannuation, leave accrual, reporting channels and support services.
- 1.8.2. This is reinforced in recent reports by the Office of the NSW Anti-slavery Commissioner⁶ and the United Nations Special Rapporteur on contemporary forms of slavery⁷ emphasising that non-English speaking workers often lack awareness of their rights due to a lack of available information and/or material in their local language.
- 1.8.3. A lack of detailed knowledge around employment conditions can be used to deceive and exploit workers.
- 1.8.4. People with lived experience of modern slavery have told us that ensuring workers know and understand their work rights is a key step in preventing modern slavery. It empowers people to recognise and report exploitation in the workplace and access available supports.
- 1.8.5. Australian Red Cross recommends reporting requirements that ensure organisations

“When companies share information about work rights and protections it shows that they value their workers and want to create a safe environment. You know, especially us migrants, we don't really know exactly what type of work rights is existing here in Australia...but providing these types of information can prevent exploitation before it starts. I also think it builds trust between workers and employers, which is, of course, quite essential for a healthy workplace.”

- Person with lived experience

outline how they have provided accessible information to workers within their operations or supply chain, particularly providing targeted resources to reach those most vulnerable to deception or exploitation. This should be supported by strong response frameworks and the promotion of safe, trusted internal and external grievance mechanisms.

- 1.8.6. This would not require organisations to heavily invest in new resources and materials but rather encourage circulation of information that already exists through the Fair Work Ombudsman, the Work Right Hub and other sources.

“You know, it's because we are of different levels of understanding. Something maybe they may understand when things are read out to them. Some they may understand if they take a copy home and in their own time read it. Some they may understand when they talk to the person themselves. And we have our different categories of understanding things.”

- Support Program client

⁶ NSW Anti-slavery Commissioner. (2024). Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales. Office of the NSW Anti-slavery Commissioner.

⁷ United Nations Human Rights Council, Special Rapporteur on contemporary forms of slavery, including its causes and consequences. *Visit to Australia – Addendum to Report on contemporary forms of slavery (A/HRC/60/28/Add.1)*. United Nations, [Access Date], <https://docs.un.org/en/A/HRC/60/28/Add.1>

1.9. Regarding **supplier engagement and purchasing practices**:

- 1.9.1. Considerations of how businesses may 'contribute to' modern slavery risk requires a broader examination of business practices and supply chain dynamics. Australian Red Cross recommends that reporting requirements place stronger emphasis on ensuring organisations work with suppliers to develop sustainable practices that support and promote appropriate work conditions.
- 1.9.2. This would align with the Organisation for Economic Co-operation and Development's (OECD) Due Diligence Guidance for Responsible Business Conduct, which outlines that meaningful engagement '*is characterised by two-way communication*' and is '*responsive and ongoing*'⁸. Organisations need to engage with genuine intention to understand how suppliers and workers may be impacted by their purchasing practices and business activities.
- 1.9.3. In high-risk sectors, an inequitable distribution of financial risk and reward can mean smaller suppliers lack the capacity to absorb pressures such as unpredictable timelines, abrupt contract changes, unrealistic pricing, or late payments. These pressures can cascade directly to the workforce, resulting in delayed or unpaid wages, overwork, or increased reliance on informal subcontracting and undocumented labour to meet contractual demands.
- 1.9.4. While supplier engagement is recommended in existing guidance, reporting would be strengthened substantially by requiring organisations to specify how they have collaborated with suppliers to establish fair business practices and eliminated purchasing behaviours that increase risks for vulnerable workers. This includes ensuring pricing covers the legal cost of labour, and supporting suppliers through accurate forecasting, steady workflows, and timely payments.
- 1.9.5. This approach would shift the focus to prevention by ensuring that existing top-down compliance mechanisms more effectively account for the underlying drivers of vulnerability, particularly when organisations are actively pursuing unrealistic pricing that does not adequately cover the cost of labour, while simultaneously demanding evidence of social compliance.

1.10. Regarding **collaborative responses**:

- 1.10.1. Purposeful collaboration across sectors improves all aspects of the response – prevention, early intervention, service delivery, awareness raising, capacity building, research, advocacy. This includes collaboration and partnerships within and across sectors, including among governments, civil society, academia, business and unions, to prevent silos, build shared understanding, promote good practice and learning, and foster a genuinely joined-up response in strategy and practice.
- 1.10.2. The proposed reporting requirement on 'internal and external stakeholder engagement' should promote a whole-of-community approach.
- 1.10.3. This includes meaningful collaboration with relevant Civil Society Organisations, and survivor-led advocacy groups who bring critical insights from working directly with affected workers and survivors and can help ensure responses are grounded in lived experience.
- 1.10.4. These organisations not only bring deep insight into experiences and risks facing workers, but are trusted sources of support, and play a vital role in effective remediation processes.

⁸ Organisation for Economic Co-operation and Development (OECD). (2018). *OECD due diligence guidance for responsible business conduct*. <https://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

1.11. Ensure that monitoring of implementation and effectiveness is outcome focussed in section 4c.

- 1.11.1. Monitoring the implementation and effectiveness of actions must focus on outcomes and not just the due diligence process.
- 1.11.2. Australian Red Cross recommends that clear guidance is developed to support this criterion, including practical examples of effectiveness measures that demonstrate outcomes for people. These metrics should be developed in consultation with workers and people with lived experience of modern slavery and include case studies or sector-specific examples.
- 1.11.3. Evaluating the effectiveness of actions should also include people at risk of, or experiencing, modern slavery as principal participants in evaluating activities. This also means the Act or associated guidance needs to provide clear guidance on mechanisms by which workers and affected community members may meaningfully contribute, challenge and improve corporate practices. Examples of these measures include worker voice initiatives (e.g. Issara institute) and the adoption of emerging worker-driven social responsibility initiatives (e.g. Cleaning Accountability Framework, Fair Food Program).
- 1.11.4. Australian Red Cross and other community service organisations have led substantial work to consult and distil findings from engagement with both migrant workers and people with lived experience of modern slavery to inform practices and development of guidance.

“Set clear, measurable goals to reduce exploitation and involve workers in creating those goals. Let's say for example, instead of just saying we want to improve wages, a company could set a goal, like, ensure all workers are paid at least the legal minimum wage within six months. It makes a difference for me...I think that for me it will be very helpful. And also by involving workers, companies can understand the real problems they face.”

– Person with lived experience

2. Question 2. Do you support the matters the department proposes to include in delegated legislation (such as rules)? If not, what changes are needed?

- 2.1. **Yes**, Australian Red Cross supports the matters the department proposes to include in delegated legislation
- 2.2. **Explanation:** Australian Red Cross sees the benefit of moving the reporting criteria to delegated legislation. This would provide flexibility to evolve the reporting criteria in line with the maturity of reporting entity actions and encourage progressive improvement in organisations actions as was intended by the Act. It would also enable the inclusion of more detailed reporting criteria and a faster response to emerging risks. However, delegated legislation should remain transparent, consultative and consistently aligned with the purposes of the Act. Safeguards should be in place to ensure flexibility does not compromise accountability or the overarching goal of preventing and addressing modern slavery.

3. Question 3: Are there any challenges associated with including details about reporting criteria in delegated legislation? If so, what are they?

- 3.1. **No**, Australian Red Cross does not foresee any challenges associated with including details about reporting criteria in delegated legislation.

Recommendation 1:

Change the proposed reporting criteria wording to strengthen the legislative focus on prevention, meaningful engagement with workers, and due diligence actions that create substantive change for people at risk of, or experiencing, modern slavery. This includes:

- (i) ensuring that the Act explicitly requires organisations to 'implement actions' to identify, prevent, address and, where applicable, remediate modern slavery
- (ii) inclusion of the word 'prevent' in criterion 4.b,
- (iii) refining and increasing the list of suggested areas of action for delegated legislation to expand iv to include '*prioritising the voices of workers and people with lived experience of modern slavery*' and include additional measures at v (*Measures to promote and advance work rights*), vi (*Consideration of purchasing practices*) and vii (*Collaborative measures*)
- (iv) ensuring that monitoring of implementation and effectiveness is outcome focussed in section 4.c.

4. Question 4: Should additional guidance be developed to assist reporting entities to comply with the proposed changes to the mandatory reporting criteria? If so, what topics should be addressed by new guidance?

- 4.1. **Yes** – new guidance should be developed to assist reporting entities to comply with proposed changes.
- 4.2. **Explanation:** Australian Red Cross advocates for guidance that is clear, practical, with sufficient direction to ensure that compliance with the Act is synonymous with impact to people. Feedback is provided below on assessing risk, evaluating due diligence actions and providing specific guidance.
- 4.3. **Assessing risk**
- 4.3.1. Australian Red Cross recommends reducing the replication of effort around identification of inherent category risk. An annual risk list or open tool (such as NSW Anti-Slavery Commissioner's 'Inherent Risk Identification Tool') should be developed for organisations to use to assess and define key procurement risks. Considering the government also assesses the risk associated with its own procurement, extending and sharing this category analysis will equip smaller businesses who have limited time and resources, while increasing effectiveness of action through co-ordinated and collective effort. This would streamline the process of prioritisation for organisations, allowing resources and effort to be directed to next stage of due diligence process.
- 4.3.2. Clear guidance would then be required to outline how organisations can contextualise risks through engagement with relevant stakeholders and through an analysis of business relationships.

4.4. Evaluating due diligence actions: (proposed criterion 4.b)

- 4.4.1. While there is a standard suite of due diligence actions (Supplier Code of Conducts, Modern Slavery clauses, Supplier self-assessment questionnaires etc.), there is limited evidence of their tangible impact for people at risk of, or experiencing, modern slavery.
- 4.4.2. Our work with people with lived experience, businesses, and our own efforts to address supply chain risks have highlighted the need for an evidence base evaluating the effectiveness of due diligence measures in achieving meaningful outcomes for affected people. This includes preventive actions to tackle root causes, measures to assess and monitor supplier performance, and strategies for effectively remediating harm.
- 4.4.3. Any such evaluation must also take into consideration the parameters that make these tools most effective. Examples of key factors that alter efficacy of due diligence approaches include, but are not limited to; the degree of influence an organisation may have over their supply chain based on their purchasing power, whether the organisation's supply chain involves countries where state-imposed forced labour is present, value chains that involve a processing stage monopolised by a single entity.
- 4.4.4. An evaluation of due diligence responses would align with the intent of the UNGPs which emphasise that human rights due diligence is not a static exercise, but a continuous, responsive process that incorporates feedback loops. This guidance would enable organisation who may have limited resources or leverage, to select due diligence tools and approaches most likely to achieve meaningful impact.

4.5. Specific guidance: (proposed criterion 4.b)

- 4.5.1. Since the Act's inception, several guidance documents⁹ have been developed for Australian businesses, summarising the key principles of human rights due diligence and offering high-level overviews of key concepts and terms. However, there is still a gap in practical guidance on how to implement these principles in complex, real-world scenarios and within specific industry contexts.
- 4.5.2. Australian Red Cross recommends developing this guidance alongside a databank of case studies to help organisations move from high-level actions to tailored interventions. Considerations should include the following;
 - 4.5.2.1. Sector-specific guidance: Created in collaboration with workers and people with lived experience of modern slavery to outline specific risks across the product life cycle, identify opportunities for collective action, highlight relevant standards and certifications, and provide case studies to support remediation efforts.
 - 4.5.2.2. Unpacking complexities: Provide guidance to support organisations facing complex challenges within their operations and supply chains. This includes navigating considerations such as assessing the degree of involvement; implementing effective offshore investigation; addressing risks below Tier 1; collaboration within the confines of anti-competition law; providing guidance on the use of leverage; safeguarding individuals from retaliation; how to contribute to remediation efforts; ensuring a responsible exit.

⁹ For examples, Commonwealth Modern Slavery Act 2018 – Guidance for Reporting Entities, Australian Red Cross: "Addressing Modern Slavery: a guide for Australian businesses, Pathways to Respecting Human Rights and Addressing Modern Slavery Risks etc.

- 4.5.2.3. Meaningful engagement: Provide clear guidance on how organisations can elevate the voice of workers and people with lived experience of modern slavery by ensuring that these individuals may meaningfully contribute, challenge and improve corporate practices. (see page 7)
- 4.5.2.4. Small business guidance: Prioritise strengthening the capacity of small businesses in high-risk industries through targeted guidance and simplified reporting templates (Acknowledging that this will be addressed in concurrent work to assess Recommendation 5 of the Review)
- 4.5.2.5. Standardising responses: Consider taking steps to simplify reporting and reviewing statement, by developing a modern slavery coversheet/template that allows organisations to summarise their statement response and allow increased assessment and comparison across time periods and organisations. Aligned to template, develop a set of standardised metrics that businesses can use to respond to Criterion 5 to drive continuous improvement. (Acknowledging that this will be addressed in concurrent work to assess Recommendation 13 and 15 of the Review)

Recommendation 2:

Develop supporting guidance that is clear, practical, and with sufficient direction to ensure that compliance with the Act is synonymous with impact to people. This includes:

- (i) the development of a tool or list defining inherent category risk,
- (ii) an evidence base evaluating the effectiveness of due diligence measures, and
- (iii) supporting material describing complexities hindering progress - providing sector-specific guidance to help organisations move from high-level actions to tailored interventions.

5. Question 5. Should a new criterion be added that requires entities to report on key actions or changes since their previous statement?

5.1. **Yes** – Australian Red Cross strongly supports a new criterion requiring entities to report on key actions or changes.

5.2. Explanation:

- 5.2.1. Considering the transparency framework approach, the effectiveness of the Act relies heavily on the extent to which an organisation's Modern Slavery Statement can be understood and assessed by both businesses and consumers.
- 5.2.2. Through our engagement with businesses and our efforts to evaluate potential suppliers, we have observed that organisations often repackage the same steps across multiple reporting cycles, without making tangible progress or addressing prioritised areas.
- 5.2.3. The addition of this reporting criteria would significantly improve the effectiveness of the Act by increasing transparency on progress, holding organisations to account to their stated goals, and serving as a catalyst for continuous improvement.

5.2.4. Importantly, this criterion would also create a fairer system by distinguishing organisations that are continually investing resources and energy into strengthening their approach. This would enable consumers, investors, and businesses to more easily identify and support organisations that consider modern slavery protections as a strategic priority.

6. Question 6. Should reporting entities be required to report information about grievance mechanisms?

6.1. **Yes** – Australian Red Cross agrees that reporting entities should be required to report information about grievance mechanisms.

6.2. Explanation:

6.2.1. Australian Red Cross welcomes the inclusion of a reporting criterion on grievance mechanisms. Ensuring that workers have a platform to express their concerns not only increases visibility of the worker experience but can serve as an early warning system to detect and address exploitation before it escalates, contributing to better protection and support for vulnerable workers.

6.2.2. However, we believe this criterion will only lead to meaningful outcomes if it is strengthened further - if organisations are required to not only to report on the existence and number of grievances but rather outline the steps they've taken to ensure the mechanism is effective.

6.2.3. Based on insights from lived experience consultations, grievance mechanisms are only effective if users are aware of them, understand how and when to use them, and trust them enough to do so.

6.2.4. Feedback strongly highlighted that workers' perceptions of grievance processes are shaped by how all workplace issues are handled, not just severe harms. This includes incidents such as injuries, inappropriate cultural comments, or sexual harassment. Workers emphasised that feeling safe and confident to report concerns, trust in how the process is managed, and belief that it will lead to resolution are all critical. When no action was taken, some questioned the value of reporting and shared their dissatisfaction with others, potentially discouraging future use of the mechanism.

“And most of the time, the next day we call them and then when we inform them that this is what happened yesterday ... they respond ‘oh we are sorry, we will make sure we won't repeat it’. But then they keep on repeating it.”

– Support Program client

“It's not only making a report, it's that they take action. ... To me, it's like, what's the point of reporting if they're not going to do anything at all....”

– Person with lived experience

6.2.5. In this sense, we recommend that reporting requirements should obligate organisations to provide evidence on the following external facing actions:

6.2.5.1. Promotion: Organisations should outline how they have promoted grievance mechanisms or facilitated opportunities for workers to express their concerns or report exploitative or unsafe work conditions. This could include describing an approach to promotion, such as where information has been placed (regions and locations), in what formats and channels (posters, toolbox talks, advertisements on radio programs etc.), in which languages, the partners involved in promotion (unions, CSOs, community organisations, peers etc.) and the extent to which these efforts extended across their supply chain.

6.2.5.2. Building understanding: Organisations should outline how they've ensured workers understand when to use their grievance mechanism. This involves aligning the promotion of these mechanisms with essential onboarding training or distribution of material relating to work rights and entitlements.

6.2.5.3. Reporting process: Organisations should outline the steps they've taken to ensure workers know how to use the mechanism and the actions taken to build trust in the process. This includes clear information on how to submit a grievance (anonymously, collectively etc), explicit information on the next steps that will follow if someone files a complaint or incident. Many participants of lived experience consultations emphasised that uncertainty on the short and long-term implications of reporting, dissuaded them from raising concerns.

"If someone told me that you can report it anonymously, I would have done it. ... I was so mad at them. So mad at them. I wanted to report it, but I didn't know how to report it. So I was like, OK, let me find my job. Let me leave this place. And I was jobless for two months."

- Person with lived experience

"And many of my colleagues, we all left together because we were done with that kind of toxic environment, abusive behaviour and discrimination. But none of us reported. ... We were not having the right information. What will have happened next?"

- Person with lived experience

6.2.5.4. Results: Organisations should also report on the results through a mixture of both quantitative and qualitative metrics; outlining the number of incidents, the time taken to respond and the nature of resolutions (*sensitivities related to this point are unpacked below). A clear requirement for organisations to report on how they have monitored the implementation and effectiveness of their mechanisms is also essential.

6.2.6. Grievance mechanisms also serve as a valuable tool for systemic learning, allowing organisations to track complaint trends, identify high-risk areas, and uncover opportunities for improvement. Organisations should be required to report on the patterns observed and the specific actions taken to strengthen their due diligence in response.

- 6.2.7. A key insight from consultation with migrant workers and people with lived experience of modern slavery is the need for external and trusted reporting channels, independent from employers or the corporations involved.

"I think it's important for each company to tell you look, this is how we work, nevertheless, if you still have more questions or you need more information, you could also ask or search in these places."

– Person with lived experience

- 6.2.8. Organisations should be encouraged to promote external support pathways alongside their grievance mechanisms. This includes the Additional Referral Pathway which enables individuals to seek help without involving employers or authorities, and the Work Right Hub which provides information on work rights and support pathways aligned to needs and location. Promoting independent support options can significantly reduce fear of retaliation which is a major barrier to reporting.

7. Question 7. Are there any sensitivities with requiring an entity to report on grievance mechanisms? Please consider any sensitivities relating to quantitative or qualitative information about grievance mechanisms that might be captured.

- 7.1. **Yes** – Australian Red Cross agrees that there are sensitivities to consider when reporting on grievance mechanisms.
- 7.2. **Explanation:** Reporting entities should focus on sharing anonymised, aggregated data and insights that demonstrate the effectiveness of grievance mechanisms (as outlined above) while safeguarding the rights and safety of all parties.
- 7.2.1. Protecting confidentiality of those involved: Reporting should not include any information that could risk the identification of individuals. This includes references to specific workplace locations, job titles, or demographic details (e.g. age, gender, ethnicity) particularly in small teams or isolated settings. Verbatim quotes from grievance records should not be used unless informed consent has been obtained and care is taken to ensure anonymity. Specific details about individual complaints should be avoided. If case studies or qualitative evidence is required, clear consent protocols need to be established and followed.
- 7.2.2. Avoiding compromising any ongoing cases: Reporting must not interfere with or prejudice the integrity of ongoing investigations, legal proceedings, or remediation efforts. This includes avoiding references to cases that are currently being investigated, under negotiation, or subject to legal review. Even indirect identifiers, case timelines, or investigative actions linked to unresolved matters should be excluded until outcomes are finalised and disclosure is appropriate.

7.3. Consideration to unintended consequences of reporting should also be taken. For example, high grievance volumes might be misread as indicators of an unsafe/ exploitative workplace, when in reality might only be the result of a very well established and well-functioning mechanism. Without context, only reporting on quantitative data can be misleading and have a reputational impact. This is why it is very important how the reporting parameters are designed, with contextualised data that includes both qualitative and quantitative insights to explain trends and actions taken, that ensures confidentiality of the suppliers involved.

8. Question 8. Should reporting on remediation be a separate mandatory reporting criterion? If so, what specific information about remediation actions and processes should entities report on? Notably, the review explored requiring entities to report on the number of matters referred to law enforcement or other bodies, as well as to report on details of modern slavery incidents or actual risks.

8.1. **Yes** – Australian Red Cross agrees that reporting entities should be required to report information about remediation actions and processes.

8.2. Explanation:

8.2.1. Australian Red Cross welcomes the addition of a specific reporting criterion on remediation, as it reflects the core purpose of the Act to improve outcomes for people at risk of, or experiencing modern slavery.

8.2.2. Effective remediation is more likely when organisations have clear response processes in place before incidents occur. This enables timely escalation, trauma-informed responses, and safeguards that prioritise the agency and goals of affected individuals. Australian Red Cross recommends that entities be required to outline their remediation processes and demonstrate steps taken to ensure their effectiveness, such as targeted training for second-line response teams, pre-established partnerships with specialist support services, and appropriate systems and protocols.

8.2.3. While reporting on remediation should be specific to modern slavery practices, organisations should remain cognisant of the continuum of exploitation. In this sense, good practice would involve outlining any remediation cases that have informed actions to strengthen due diligence measures. This could include, for example, increased promotion of work rights in targeted regions or capacity-building initiatives with suppliers. This would demonstrate a commitment to prevention, early intervention and continuous improvement

8.2.4. Effective and appropriate remedy will vary depending on the circumstances of each incident. It is essential that remediation efforts are grounded in engagement with those affected, and that the voices and needs of those affected are central to the design and delivery of remedy.

8.2.5. Reporting requirements should ensure that remediation is understood broadly and include a range of measures such as:

- Immediate support provided to affected individuals (e.g. access to medical care, legal advice, housing).
- Number and nature of incidents remediated (e.g. forced labour, trafficking)
- Types of remedies provided (e.g. compensation, legal support, accommodation, etc)
- Number of matters referred to law enforcement or regulatory bodies

- Number of matters referred to civil society organisations with expertise in this area
- Partnerships/agreements available with organisations
- Efforts to use leverage to secure remedy where direct involvement is limited.
- Follow-up actions to prevent recurrence (e.g. supplier disengagement, training, and changes to strengthen due diligence frameworks)
- Learnings and actions taken to address root causes

8.2.6. Based on insights from our lived experience consultations, many participants expressed concern that reporting could result in prolonged investigations or a lengthy legal process, emphasising the need for a clear, time-bound procedure, protecting the privacy of individuals involved.

"I did want to report but what happens next? Are they going to be punished because they are very rich people? ...What kind of help I will get? Then she said - I know it's going to be a long process and all this time you won't be able to work.... And I'm like, OK, I can't afford to be jobless. I want to work. So then I gave up that idea. I'm just telling you the practical thing. This happens to many people"

– Person with lived experience

9. Question 9. Are there any sensitivities with requiring an entity to report on remediation, noting information about remediation may include quantitative or qualitative information?

9.1. **Yes** – Australian Red Cross agrees that reporting entities should be required to report information about grievance mechanisms.

9.2. Explanation:

9.2.1. Considerations listed in response to 'question seven' apply equally to this question.

Reporting entities should focus on sharing anonymised, aggregated data and insights that demonstrate the effectiveness of grievance mechanisms (as outlined above) while safeguarding the rights and safety of all parties. This includes, protecting confidentiality of those involved and avoiding compromising any ongoing cases.

9.2.2. Remediation often requires coordination and multi-stakeholder engagement, and outcomes may take time to achieve. Australian Red Cross recommends that guidance clarify at what stage a case should be reported in modern slavery statements, for example, whether reporting is required once remediation is complete, or if efforts to remediate should be reported earlier in the process.

Recommendation 3:

Focus reporting requirements on:

- (i) the steps an organisation has taken to ensure mechanisms and processes are effective,
- (ii) data that can identify trends and key learnings, and
- (iii) actions taken to provide remedy and strengthen due diligence process in response to these findings.

This will further strengthen early detection and response to exploitation, strengthening the proposed inclusion of grievance mechanisms and remediation criterion.

10. Question 10. Are there any specific safeguards we should consider to protect workers in relation to reporting on grievance mechanisms and remediation?

10.1. **Yes** – Australian Red Cross agrees that specific safeguards are required.

10.2. **Explanation:**

10.2.1. Safeguarding the workers involved in the grievance and remediation process is paramount. Key considerations include:

- Protect anonymity and confidentiality
 - All data reported should be carefully de-identified, especially in small workplaces or communities
 - Entities should avoid including specific details that could lead to re-identification.
- Establish Non-Retaliation Protections
 - Non-retaliation policies may need to be enforced to protect workers who raise grievances or participate in remediation processes, including clear procedures for reporting retaliation and ensure these are accessible and trusted by workers
- Informed Consent
 - Workers should be informed about how their data will be used and must give voluntary, informed consent before any personal information is shared or published. This included the use of their case study, quotes or any explicit reference to their experience.

11. Question 11. Do the proposed changes to the consultation criterion address the lack of clarity currently experienced by reporting entities.

11.1. **Yes** – Australian Red Cross agrees that changes are positive.

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