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**Policy Owner:** Chris Thomson, SCC Chief Financial Officer

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### 1. Background

Southern Cross Care (NSW & ACT) is implementing systems and controls to ensure that modern slavery is not taking place anywhere within our operations or supply chains.

Suppliers are independent entities; however, supplier business practices and actions may impact workers and the reputation of Southern Cross Care (NSW & ACT).

Accordingly, Southern Cross Care (NSW & ACT) expects suppliers and their employees, agents, and subcontractors to adhere to this Code of Conduct.

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### 2. Principles

In addition to any specific obligations under contracts or agreements with Southern Cross Care (NSW & ACT), suppliers shall, without limitation:

- Not knowingly cause or contribute to modern slavery in any form.
  - Actively take measures to identify, assess, address, and eliminate modern slavery from operations.
  - Undertake due diligence of suppliers and subcontractors to ensure that any risks or people and workers impacted by modern slavery in suppliers' supply chains or any parts of the suppliers' business are identified, assessed, remedied, eliminated and monitored.
  - Comply with all applicable local and national laws, statutes, acts, rules, codes, standards, guidelines and regulations of the jurisdictions in which the supplier is conducting business.
  - Comply with all applicable State, Australian and international anti-slavery and human trafficking laws, statutes, regulations and codes.
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### 3. Employment Practices

Suppliers to Southern Cross Care (NSW & ACT) must:

- Take all reasonable steps to ensure that no forced or involuntary labour of any kind (see Appendix 1. for definitions) is used and that employment must be voluntary, and workers shall not be mentally or physically coerced to provide their labour.
  - Ensure that deceptive means regarding the nature and conditions of work or labour are not used to trap workers in modern slavery (see Appendix 1. for definitions)
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- Ensure compliance with all child labour laws. The term “child labour” refers to any employed person under the age of 15 (and under the age of 18 for hazardous work) and means work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.
- Ensure that workers have the terms of employment or engagement set out in a written document that is easily understandable by workers and which clearly sets out rights and obligations.
- Comply with all applicable wage laws and regulations, including those relating to minimum wages, piece rates, and proper classification, and provide legally required benefits.
- Ensure workers do not exceed maximum hours of work prescribed by law and ensure that overtime is voluntary, communicated to the worker and appropriately compensated in accordance with local (and international) laws and regulations and collective agreements.
- Ensure workers have the right to terminate employment freely following a reasonable period of notice in accordance with applicable laws and collective agreements, and without the imposition of any improper penalties.
- Treat all employees with respect and dignity and not engage in physical discipline or abuse or the threat thereof or other forms of physical coercion or harassment.
- Ensure that workers do not have identity or travel permits, passports, or other official documents or any other valuable items confiscated or withheld as a deposit for or condition of employment.
- Respect freedom of association and the right of employees to associate with unions, community and faith-based organisations
- Provide a safe and healthy workplace and comply with all applicable health and safety laws, regulations and practices.
- Only employ or use workers who have a legal right to work in the applicable jurisdiction and implement procedures to ensure compliance with regulations regarding these requirements.
- Ensure that fees or costs associated with the recruitment of workers (including but not limited to fees related to work visas, travel costs and document processing costs) are not charged to workers whether directly or indirectly.
- Only retain reputable and where applicable registered recruitment, employment or labour hire agencies. All such agencies must have the necessary licences and registrations under local laws, agree to adhere to this Code of Conduct and agree to be audited to ensure their compliance with this Code of Conduct.
- Where accommodation is provided, suppliers must not deduct more than a reasonable proportion of income from workers’ wages.
- Provide information on necessary steps that they have implemented to protect workers from COVID-19.
- Ensure workers are protected from COVID-19 illness and related impacts by providing workers with suitable Personal Protective Equipment (PPE) and leave and pay arrangements during their self-isolation time.
- Assist the safe return of migrant workers.

Suppliers are expected to have systems and procedures in place (including staff and contractor training programs) to ensure compliance with this Code and applicable laws and regulations.

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#### 4. Reporting breaches of the Code

Any person concerned about a breach of this Code of Conduct may report concerns on a confidential basis to:

- Southern Cross Care (NSW & ACT) - Procurement Department
- Email: [procurement@sccliving.org.au](mailto:procurement@sccliving.org.au)
- Ph. 02 9790 9400

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#### 5. Violation of the Code

In case of a violation of the Code, Southern Cross Care (NSW & ACT) will contact the supplier within 24 hours and request that the violation be remedied in consultation with Southern Cross Care (NSW & ACT).

Suppliers who repeatedly violate the code and refuse to collaborate with Southern Cross Care (NSW & ACT) in implementing improvement plans, may be contractual terminated.

Southern Cross Care (NSW & ACT) reserves the right to amend or modify this Code to adhere to legal, regulatory and industry codes.

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## Appendix 1: Types of modern slavery relevant to business

### Debt bondage (or bonded labour)

Debt bondage is the most common form of slavery. This occurs when a person is forced to work to pay off an excessive debt unfairly imposed on them by a recruitment agent or employer. The person works for little or no pay, with no control over their debt. Over time, the value of their work becomes greater than the original debt.

Examples of debt bondage are associated with recruitment fees, travel, visas, work materials or schemes where a person has to pay to get a job.

### Deceptive recruiting for labour or services

Deceptive recruiting occurs when a victim is misled about the nature and conditions of the job they are recruited for, and it leads to them being trapped in modern slavery.

Types of deceptive conduct used by recruiters include offering exaggerated rates of pay, reasonable work hours and inclusions of and deductions for accommodation, food, transport and other expenses.

### Forced Labour

Forced labour is any work or service which people are forced to do against their will under threat of penalty. A victim is not free to stop working or to leave their place of work because of physical and/or psychological coercion. This may include threats and violence against themselves, other workers, family members or others.

### Human Trafficking

The legal definition of human trafficking in Australia is:

*...the recruitment, transportation, transfer, harbouring or receipt of a person through means such as threat or use of force, coercion, deception, or abuse of power or vulnerability; for the purpose of exploiting that person ...*

Human trafficking is a serious crime which often, ends up with the trafficked people being exploited through modern slavery, forced labour, servitude, debt bondage, organ removal or other forms of exploitation.

### Worst Forms of Child Labour

The worst forms of child labour include where children are:

- exploited through slavery, forced labour or similar practices;
- engaged in hazardous work which may harm their health, safety or morals;
- used to produce or traffic drugs.

The worst forms of child labour can occur in a variety of contexts and industries. This may include orphanage trafficking and slavery in residential care institutions, as well as child labour in factories and manufacturing sites, mining and agriculture.

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Importantly, not all child labour is illegal if the correct controls are in place such as children being engaged in light physical labour only, not being subjected to hazardous work, and where working hours are limited and outside school time, etc.

### **Slavery or slavery like offences**

Slavery is defined in the Australian Criminal Code Act 1995 (Section 270) as where the ‘the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’: people are dehumanised to the point where they are literally owned by others.

Slavery is the exploitation and control of others through coercion, such as:

- Restricting where people live, work, move or communicate with others
- Using threats or actual violence against the person or their family
- Forcing them to work, withholding food or water, pay and other forms of abuse

Examples include people forced to work on farms or construction sites, people working in cleaning or children in factories where they do not have an option to live in freedom and with dignity.

People who are trapped in modern slavery are often manipulated in ways that do not allow them to escape, or to ask for help or gain an understanding that they are in fact victims of criminal activity. Slavery is a major risk for Australian businesses both within Australia and in their extended supply chains.

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