



2.02

MERCY EDUCATION POLICY 2.02 ANTI-MODERN SLAVERY

Introduction

The term *modern slavery* is used to describe situations where coercion, threats or deception are used for exploitation and undermining a person's dignity and freedom. Modern slavery practices violate universally recognised human rights. These practices constitute a crime and can pose a serious business risk to the operations and reputation of Mercy Education Ltd (Mercy Education) and its schools.

The *Commonwealth Modern Slavery Act* (the Act) and associated guidance identifies modern slavery as including eight types of serious exploitation also reflected in the Australian Criminal Code Act 1995. The types of modern slavery practices applicable to business and global supply chains are outlined in Appendix 1 of this policy.

Mercy Global Action (MGA) argues that every country serves as a source, transit or destination for modern slavery. To show 'mercy' is to oppose all forms of modern slavery.

The Pope declared 2016 a "Jubilee Year of Mercy" in the Catholic Church, being an opportunity for faith-filled people to mindfully practice acts of mercy among their communities and in the larger world. The corporal and spiritual works of Mercy are core to the life of every Christian as attested to by Christ in Matthew's Gospel. Catherine McAuley referred to these works as the "business of our lives". No matter what one's belief system, engaging with the works of mercy has the power to both enrich one's soul and help alleviate the hardship of another. Mercy is acknowledging the worthiness in another and offering hope and healing.

Catholic social teaching emphasises the dignity of the human person and an understanding that work is essential for the common good. Workers are people first; therefore, they cannot be defined or treated as only units of labour to be used for economic ends. An economy or an organisation that relies on or allows violation of the dignity of workers is not a morally just economy or organisation.

Mercy Education opposes all forms of modern slavery and is committed to working with its suppliers to address and eliminate such practices.

This policy outlines Mercy Education's commitment to ensuring modern slavery does not flourish within its operations, business relationships and extended supply chains. This policy also acts as a framework for compliance with the reporting requirements of the Act.

Purpose

The purpose of this policy is to prevent modern slavery by managing and mitigating modern slavery risk within the business operations and supply chains of Mercy Education and its colleges.

Definitions

Business Partner: a commercial entity with which Mercy Education has some form of alliance (e.g. contractual)

Joint venture: an agreement between two or more parties to work together for the purpose of completing a specific task or project

Worker:

- employee - teaching staff (including pre-service), operational staff, consultants and specialists either employed or directly engaged by Mercy Education schools (including Board Directors and non-director Committee members), all staff working at the Mercy Education office and members of a religious order or diocese.
- contractor or sub-contractor or an employee of a contractor or sub-contractor working as part of a supply chain

Supplier: a business or individual that makes goods available to Mercy Education. Suppliers are known as the first link in the supply chain

Volunteers: individuals (including College Advisory Council Members) who are engaged by Mercy Education or its schools but give their time 'freely' to benefit the organisation. For the purpose of this document, clergy are also volunteers

Coverage

All parts of Mercy Education shall comply with this policy and ensure its core principles are implemented.

Policy Statement

Core principles of this policy

Catholic social teaching calls for the dignity of work, the rights of workers and advancing the common good. These are the principles that guide this policy.

- 01 Mercy Education will not knowingly use or contribute to modern slavery practices in any form.
- 02 Mercy Education will actively work to identify and eliminate modern slavery practices from its operations, business partnerships and supply chains.
- 03 Any form of exploitative treatment, punishment, abuse of labour rights, coercive control (physical, mental, psychological or financial) of workers in Mercy Education's operations or supply chains is unacceptable

- 04 Mercy Education shall comply with all relevant laws and regulations regarding recruitment, remuneration, working conditions and freedom of association
- 05 Purchasing decisions of Mercy Education shall not be based on price alone. Ethical business processes are an essential part of value for money and 'fit for purpose' considerations. This includes consideration of worker living wage mechanisms and the ethical recruitment of workers
- 06 Mercy Education will continue to support its suppliers and business partners to assess and address modern slavery risks and take action needed to improve transparency, traceability and accountability for modern slavery practice and impact in its collective supply chains

Actions to prevent and manage modern slavery risk.

Mercy Education has a Risk Management programme in place for modern slavery which is underpinned by ethical business practices and considers all stakeholders (including people who are at-risk of and/or experience modern slavery practices). Key elements of the program are summarised in Appendix 2.

The following actions are required of workers, business partners and suppliers:

Board, Management, employees, contractors, and suppliers

- 07 The Board has overall responsibility for ensuring that this policy and its implementation complies with relevant Catholic social teachings, legal, and ethical obligations

The Board is trained in the principles and risks of modern slavery, its implications globally, and for Mercy Education
- 08 The Chief Executive has ultimate responsibility for managing modern slavery risk within Mercy Education and its individual colleges
- 09 Management at the National Office and in individual colleges are responsible for ensuring workers are aware of this policy and delegated representatives are provided with regular training and sufficient resources to allow for its implementation
- 10 Each College is responsible for appointing and training a Modern Slavery Liaison Officer (MSLO) to assist with the promotion of this policy and the implementation of modern slavery principles
- 11 Anyone working for Mercy Education, or acting on its behalf, is expected to apply the following measures:
 - a) ensure that the identification, prevention, management and mitigation of modern slavery risk is a core responsibility of all workers
 - b) business operations or relationships that knowingly support, facilitate or encourage worker exploitation or modern slavery practices are strictly forbidden
 - c) any actual or suspected activity that could breach this policy must be reported to the National Office immediately

- 12 Relevant external stakeholders will be engaged to support this policy (for example suppliers, contractors, joint venture or other business partners)
- 13 Anti-slavery clauses will be incorporated into procurement tenders and supplier contracts which include the right to audit, review documentation and interview workers
- 14 Supplier reviews (including self-assessment questionnaires) will be undertaken to assess levels of modern slavery risk, together with the commitment and capacity to manage identified risks. This includes new suppliers that transact with Mercy Education

Suppliers and business partners

- 15 Mercy Education will actively engage with suppliers to promote this policy whilst assisting to developing their capabilities to identify and manage modern slavery risks
- 16 Mercy Education expects suppliers to share its goal and values in relation to ending modern slavery
- 17 Suppliers are expected to abide by a Supplier Code of Conduct which supports the efforts of Mercy Education to assess the level of risk within their operation and supply chain, and to gauge the supplier commitment and capability to manage modern slavery risks
- 18 Suppliers shall demonstrate how they identify, prevent, manage and mitigate modern slavery risk in their operations and supply chains

What to do if modern slavery is suspected or discovered

- 19 Internal reporting of actual or potential modern slavery risks by workers is expected and encouraged. Workers shall immediately report any suspected violations of the policy, other illegal or unethical conduct to the National Office. Information is confidential and there shall be no retribution or retaliation for reports made in good faith
- 20 Suppliers are also required to report to the relevant College Principal or Mercy Education National Office, suspected or actual modern slavery practices, indicators or red flags, without fear of retribution, retaliation or loss of business. Mercy Education commits to working with its suppliers to address issues, implement prevention and ensure effective remedies
- 21 If a supplier or other person outside Mercy Education provides information to a worker about a suspected or actual modern slavery practices, indicators or red flags this information must be passed on immediately to the relevant College Principal or National Office

Non-compliance with this policy

Individuals who breach this policy will face disciplinary action. This may, in the most severe circumstances, include dismissal for misconduct or gross misconduct and, if warranted, legal proceedings may be commenced.

Mercy Education retains the right to terminate its working relationship with workers and organisations if they breach this policy.

Related Documents and Resources

Legislation

- *Modern Slavery Act 2018* (<https://www.legislation.gov.au/Details/C2018A00153>)
- *Australian Criminal Code Act 1995* (<https://www.legislation.gov.au/Details/C2021C00183>)

Mercy Education Limited (MEL)

- *MEL Policy 1.06 Complaints Management*
- *MEL Policy 1.10 Codes of Conduct*
- *MEL Policy 8.04 Delegations of Authority*

Websites

- *Australian Catholic Anti-Modern Slavery Network (ACAN)* – (<https://www.acan.org.au/>)
- *Australian Government Department of Home Affairs* (<https://www.homeaffairs.gov.au/criminal-justice/Pages/modern-slavery.aspx>)

Review History

Version	Date Released	Next Review	Author	Approved
1.0	May 2022	February 2023	MEL Executive	MEL Board
2.0	March 2023	February 2025	MEL Executive	MEL Board

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 by a recruitment agent or employer. The person works for little or no pay, with no control over the management of their debt.

Examples of debt bondage are recruitment fees, travel costs, visas, work materials or schemes where a person must pay a fee to get a job.

Deceptive recruiting for labour or services

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

Types of deceptive conduct used by recruiters include offers of exaggerated rates of pay, reasonable work hours and inclusions of accommodation, food, transport and other expenses. The reality turns out to be vastly different.

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 abuse.

Worst Forms of Child Labour

The worst forms of child labour involve 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.

Importantly, not all child labour is illegal if the appropriate controls are in place such as children being engaged in light physical labour only, not 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 '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 men forced to work on farms or construction sites, women in cleaning or children in factories - they don't have the choice to live in freedom and with dignity.

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

Appendix 2:

Mercy Education Modern Slavery Risk Management Program – Key Elements

1. *A policy* which outlines its commitment to prevent and manage modern slavery within its operations, business partnerships and supply chain
2. *Communication* of this policy and related program initiatives to employees, business partners and supply chains
3. *Assessment of modern slavery risks* within its Risk Management Framework to address all business operations and supply chains and the development of effective, efficient and transparent controls to manage and mitigate risks
4. *Integrating anti-slavery terms and conditions* into relevant tenders and contracts
5. *Adopting due diligence measures* for review of suppliers and business partners coupled with a requirement that they implement systems and processes to effectively manage their own modern slavery risks
6. *Engaging and educating staff by raising awareness, together with key stakeholders* so they assume individual responsibility for identification of modern slavery practices and implement practical steps to prevent and manage risk
7. *Implementing a robust contact escalation protocol and remedy pathway* to ensure the human rights impact caused by activities of Mercy Education is effectively addressed