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**Why should
we care about
modern slavery
and what can
we do to stop it?**

Dame Sara Thornton DBE QPM and Dr Fiona McGaughey
Foreword by Chris Evans



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Perth Dialogue Foreword

Australian Anti-Slavery Commissioner, Chris Evans

As the inaugural Australian Anti-Slavery Commissioner I warmly welcome the insights and analysis shared by Dame Sara Thornton and Dr Fiona McGaughey in this piece for the Perth Dialogue series.

Modern slavery is a pervasive human rights abuse that can be found in almost any country and any industry, including in legitimate business supply chains, and including in Australia. The problem is vast and complex, and as this paper points out, “entwined in modern life.” It therefore requires a comprehensive multi-stakeholder response, that addresses vulnerability to exploitation, empowers workers and survivors, and targets demand for cheap and exploitative labour. This is the responsibility of all of us – government, business, investors, consumers – and we all have a role to play in asking tough questions and challenging the status quo.

When the UK introduced the *Modern Slavery Act* in 2015 it was world-leading. When Australia introduced its own *Modern Slavery Act* in 2018, it built upon the UK

Act, strengthening key elements based on learning from the UK. In the years that have passed, developments in other jurisdictions have continued to strengthen the obligations of companies to identify and act on the risk of slavery in their supply chains. With the passage of the European Union’s Corporate Sustainability Due Diligence Directive, we have moved from an era of voluntary compliance to hard law. Large companies in Europe, UK, Australia and around the globe will soon be required to carry out human rights due diligence in order to carry out business in European markets.

As Dame Sara and Dr McGaughey warn, the UK and Australian *Modern Slavery Acts*, once world leading, now risk being left behind. A strong response is needed, that ensures businesses are clear about their obligations to identify and address cases of slavery, while also providing survivors with support and access to justice. The problem of slavery continues to grow and our response must grow with it.

About the Authors

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Dame Sara Thornton DBE QPM is a Professor of Modern Slavery Policy at the Rights Lab in the University of Nottingham and a Consultant in Modern Slavery at CCLA Investment Management. Before this, she worked in policing for 33 years, eight of those as Chief Constable of Thames Valley Police. She was elected as the first Chair of the National Police Chiefs’ Council. In April 2022 she completed a three-year term as the UK Independent Anti-Slavery Commissioner and was awarded the Human Trafficking Foundation Trustee Award for Outstanding Contribution in the Fight Against Modern Slavery.

Dr Fiona McGaughey



Dr Fiona McGaughey is an Associate Professor of International Human Rights Law at The University of Western Australia (UWA) and is co-convenor of the UWA Modern Slavery Research Cluster. Fiona’s recent research has examined the implementation and effectiveness of Australia’s *Modern Slavery Act*, and compared Australia’s Act with legislation in the UK and in Europe. She contributes to scholarship and public policy debates on human rights and modern slavery in Australia and globally.



Why should we care about modern slavery and what can we do to stop it?

Written by Dame Sara Thornton DBE QPM and Dr Fiona McGaughey

“It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organised crime.” Barack Obama

Modern slavery deprives tens of millions of people of their freedom around the world. It touches every country and every state. The recent *Global Estimates of Modern Slavery* produced by the International Labour Organization (ILO), Walk Free and the International Organization for Migration suggested that there were 50 million people across the world in either forced labour or forced marriage on any given day in 2021.

And while the United Nations set a goal of eradicating forced labour and ending modern slavery by 2030, conflict, instability and the pandemic have resulted in more people being exploited.

Nearly 28 million people are held in forced labour across the globe – most of them in private business. These are people who have been tricked, coerced or forced into exploitation and cannot escape. They are prevented from escaping through psychological control, threats of violence or simply the confiscation of their passports. They are victims of an economic crime where they are the commodity. Given the numbers, this is not an exceptional occurrence but is entwined in modern life.

As consumers, we all buy products and services without realising the human cost.

We all want stuff. And we want it cheap. But too often, in our quest for affordability, we look past the consequences of our buying habits. Behind the scenes, an insidious web of exploitation, suffering and human rights abuses emerges, fueled by the demand for low-cost products and services.

Slavery is profitable for some, and makes goods and services cheap for all of us.

This is not a bug in the global economic system – it is a feature of the system.

The *Supply Chain Barometer 2024* published by Proxima based on a survey of 3,000 CEOs found approximately 70% of leaders from across sectors hold concerns over the potential for human rights-related issues in their supply chain.

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In the UK in 2024, members of a Czech organised crime group were convicted of trafficking 16 people to work in McDonalds and a bread factory for more than four years. The companies all paid the minimum wage, but the money was deposited in bank accounts belonging to the traffickers. The gang controlled their victims, they confiscated their passports and identity documents, they threatened them with violence, forcing them to work excessive overtime, and housed them in squalid accommodation.

In Myanmar the allegations of forced labour in garment factories which supplied numerous well-known high street shops have become so commonplace that many of those brands have decided to stop sourcing from the country entirely. However, very rarely is this a responsible exit and can leave the predominantly female workers without any employment and in a worse situation.

In Australia, concerns have been raised recently by the New South Wales Anti-Slavery Commissioner about the treatment of temporary migrant workers in areas such as agriculture, horticulture and meat processing. Of particular risk of modern slavery are the thousands of workers under the Pacific Australia Labour Mobility (PALM) scheme who the Commissioner has found face risks of debt bondage, deceptive recruiting, forced labour and, in some cases, servitude, sexual servitude or human trafficking. PALM workers are tied to one employer and cannot change employers, even in the

face of severe exploitation. Data from the Department of Employment and Workplace Relations confirms that 29 people in the PALM scheme have died in the past year, with 17 of those deaths under investigation.

Also, online sexual abuse of children has reached epidemic proportions. A recent prevalence estimate by the Rights Lab of trafficking to produce child exploitation material in the Philippines suggested that in 2022 half a million children were trafficked to provide new material.

We should all care about the harm caused to these children and to vulnerable workers around the world but a key challenge is that much of what happens is hidden in the criminal underworld or in opaque supply chains, maybe on the other side of the globe. But they may also be working in a local fast food restaurant.

How should governments act to end this egregious exploitation? What is the role of business? And importantly, what can each one of us do?

Governments must act

According to the UN Guiding Principles on Business and Human Rights, states have a duty to protect against human rights abuses by businesses – and should prevent, investigate and punish abuses that occur. Sadly, while the number of victim-survivors identified has increased, the number of prosecutions has not.

It is hidden from view, hard to find and therefore hard to prosecute. In common with other human rights abuses, modern slavery has the problem of unobservability.

The 2024 United States Trafficking in Persons Report recorded 133,943 victims of trafficking identified across the globe in 2023. However, this resulted in only 18,774 prosecutions – of which 7,115 led to convictions.

While it will always be important to investigate and prosecute those who traffic and exploit their fellow human beings, we need to do much more to tackle the global business systems and structures that allow the devastating crime of modern slavery to thrive.

The UN Guiding Principles set out the responsibility of businesses to respect human rights and exercise human rights due diligence to identify, prevent and mitigate impacts. The standards are clear – but compliance has been voluntary. That is changing. Soft regulation is being replaced with hard law. The European Union's Corporate Sustainability Due Diligence Directive is the most significant attempt to legally mandate companies to carry out human rights due diligence. This was finally passed in June 2024. While it only applies to large companies, they can be fined up to five percent of their annual turnover – this is a law with teeth.

And in April a Forced Labour Regulation was endorsed which prohibits products made with forced labour from being placed in the EU market or exported from the EU.

We need a similar approach in the UK and Australia – to provide the harmonisation of requirements which businesses crave and to ensure that neither becomes a dumping ground for goods tainted with forced labour. UK and Australian businesses are already aware that if they have EU subsidiaries or parent companies in scope, they will need to comply with the EU laws. Even if they do not fall directly within the law, Australian and UK companies supplying goods or services to large EU companies will come under increased pressure regarding their approaches to human rights and environmental impacts of their business operations and supply chain, as EU companies undertake their mandatory due diligence.

In Australia and the UK, we currently have much weaker laws in this area than the EU. The UK and Australian *Modern Slavery Acts* both require businesses to report on risks of modern slavery but with no penalties

imposed for non-compliance. There is little evidence that producing these reports leads to any tangible change for vulnerable workers on the ground. A statutory review of Australia's *Modern Slavery Act* in 2023 recommended strengthening the legislation, including through due diligence obligations, but as yet, nothing has happened.

The UK was seen as world-leading by introducing their *Modern Slavery Act* in 2015, but has since fallen behind the best practice in the world. A recent report by the House of Lords drew attention to the fact that the Conservative government had deprioritised the work in general and that recent immigration legislation had limited the support provided to victim-survivors. Supporting victim-survivors is the right thing to do but it also enables them to give witness evidence in the court, thereby bringing offenders to justice.

Victim-survivors of trafficking have been seen almost exclusively through an immigration lens. The post-Brexit immigration framework led to record levels of net legal migration and those entering irregularly did so visibly in small boats crossing the Channel, making the issue of immigration prominent in the media and in public discourse.

This hostile attitude to migrants is problematic but it was followed by political rhetoric on the abuse of modern slavery protections. A statement from the Home Office suggested “an alarming rise in people abusing our modern slavery system by posing as victims in order to prevent their removal and enable them stay in the country.” The Home Affairs Committee found the Home Office data alleging abuse of the system “not compelling” and urged the Home Office to submit data to support their assessment.

This strategy laid the way for two pieces of legislation: the *Nationality and Borders Act* in 2022 and the *Illegal Migration Act* in 2023. Both severely undermined protection for victim-survivors.

The *Nationality and Borders Act* redefined the threshold for the Home Office recognising potential victims of modern slavery. The new statutory guidance published in 2023 required more than just victim testimony, it required “objective factors” such “as a piece of information or evidence that is based in fact.” Many victim-survivors will have no documents and this led to an immediate reduction in the percentage of

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victim-survivors being recognised – from 85% to 42% of referrals. The new guidance was challenged in legal proceedings and was revised. However, the number of positive decisions has not recovered and there is significant concern that victims remain unsupported and therefore highly vulnerable.

The *Illegal Migration Act* went even further and proposed that victim-survivors of modern slavery who entered the country irregularly after July 2023 should not be supported but detained and removed. As former UK Prime Minister Theresa May said, they have just been regarded as collateral damage in the desire to tackle illegal migration. The government which passed this legislation is no longer in office and the legislation has not been enacted. However, it serves as a strong warning of the way populist immigration rhetoric can so easily undermine our responsibility to protect the most vulnerable people.

This legislative debacle illustrates the need for independent oversight to hold governments to account. In the UK there is the Independent Anti-Slavery Commissioner and in Australia a newly appointed Anti-Slavery Commissioner. The UK has had an Anti-Slavery Commissioner role since 2015. One of the recommendations from the statutory review of the Australian *Modern Slavery Act* was that an Australian Anti-Slavery Commissioner role should be established and in November 2024, former Senator Chris Evans was appointed to the role. New South Wales has had an Anti-Slavery Commissioner since August 2022, a role which has been important in raising awareness of modern slavery.

It is vital that Anti-Slavery Commissioners are fearless, independent and expert voices. However, it is no coincidence that when the immigration bills were being debated, the UK government did not appoint a new commissioner for 18 months. The political calculation was that it is better not to have a commissioner if you are undermining protections for victim-survivors.

Business should care

But what about the role of business? Surely the focus on corporate social responsibility, stakeholder capitalism and ESG (environmental, social and governance) practices means that businesses are engaged in ending this exploitation?

Modern slavery is a salient and material risk to businesses. It is a salient risk because it harms people and communities, and it is a material risk because companies that neglect this face increased risk, regulatory penalties, reputational damage and ultimately share price erosion.

But all too often aggressive commercial practices, corporate negligence and lapses in governance intersect with fragile communities, migrant labour, corruption and criminality causing heinous exploitation.

A recent ILO report suggests that annual profits from forced labour around the world now amount to US\$236 billion. This figure reflects the wages or earnings effectively stolen from the pockets of workers by the perpetrators of forced labour through their coercive practices. Often these are workers who are struggling to provide for their families. But also, the profits from this criminality strengthen organised crime networks, foster corruption and undermine the rule of law.

Modern slavery is a failure of the market. And it is a common occurrence. Companies should therefore be looking to find and fix forced labour – in particular ensuring that workers are provided with remedy. Modern slavery can be seen as occurring at the end of a continuum of exploitation. At one end there is decent work and along the continuum of exploitation there are different labour abuses of worsening severity. It is important for employers and regulators to set out decent working conditions which limit the progression of abuses along this continuum, particularly compliance with health and safety legislation, payment of national minimum wage, access to identification documents and the rights to organise and collective bargaining.

Governments are able to influence the approach of businesses, through encouragement, and failing that through legislation which mandates activity. Investors in business are also in a position to use their influence. The financial sector as a whole has a strong role to play in fostering business practices that help to end modern slavery. As the Financial Sector Commission on Modern

Slavery and Human Trafficking explained, “finance is a lever by which the entire global economy can be moved.”

Investors can use their ownership rights to improve the sustainability of the assets in which they invest. It is not about avoiding the stocks which are seen as harmful but about using the power of investing to effect change – to build a better world. Investors in Australia – such as Investors Against Slavery and Trafficking Asia Pacific – and the UK – such as Find it, Fix it, Prevent it – are working together to address the systemic risk of modern slavery. Their assumption is that forced labour risks are all-pervading – it is not an exceptional occurrence.

Citizens should care

Given the extent of modern slavery we are probably all closer to exploitation than we realise. We need to ask uncomfortable questions about the way our comfort and convenience may rely on the exploitation of others.

Pope Francis believes that “we have fallen into globalised indifference. We have become used to the suffering of others: it doesn’t affect me, it doesn’t concern me, none of my business.”

We don’t have to be indifferent to the suffering of others. Many survivors of modern slavery speak about being invisible to those around them. We must ask ourselves, do we include those at the margin? Do we know the signs to look out for? And if we are concerned, what should we do about it?

Here we offer four recommendations:

1. If you notice that someone is isolated, has their movements restricted, is fearful, has a neglected appearance, poor living conditions or odd travel patterns, these are all potential signs of modern slavery. If you are concerned, you can call the Modern Slavery helpline in the UK, or the Australian Federal Police. Anti-Slavery Australia can also provide free and confidential legal and migration advice for those in situations of modern slavery.
2. Call for stronger laws and public institutions that are adequately funded to do the work of identifying, protecting and prosecuting. Let your elected representatives know that you are concerned about

the fair treatment of migrant workers, vulnerable workers in supply chains and vulnerable children – where you live and overseas.

3. As consumers, shop with businesses that are transparent about where their products are made, and offer fair trade or locally-sourced products. If you are in a position to invest, think about using your investments to drive change, for example with the Australasian Centre for Corporate Responsibility.
4. As employees (or employers) ensure you know what is happening within your organisation. Speak up if you see a problem with how workers or subcontractors are treated or if your trade union does not advocate for the rights of vulnerable workers. Ask where the organisation invests their funds, read their Modern Slavery Statement (if they have one) and question whether it reads like a tick-box exercise or a genuine attempt to address risks.

Modern slavery flourishes in dark corners of society and in supply chains and it is only by shining a light on it that we can begin to tackle it. Ignoring it, when we know it is taking place, makes us all complicit.

About the Forrest Research Foundation

The mission of the Forrest Research Foundation is to create a world-leading collaborative centre of research and scholarship in Western Australia. The Foundation supports over 60 PhD scholars and postdoctoral fellows, as well as their families. The Foundation’s researchers bring their talents and creativity from all parts of the world to Western Australia in order to conduct ground-breaking research. Our researchers pursue everything from “blue sky research” to projects focused on commercialisation and policy. We have no defining theme but draw researchers from across disciplines. Our essential selection criteria are excellence, engagement and curiosity.

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