T. MARKUS FUNK | PARTNER
LITIGATION, WHITE COLLAR DEFENSE & COMPLIANCE
Founding Co-Chair, Supply Chain Compliance and Corporate Social Responsibility Practice
Founding Co-Chair, ABA Global Anti-Corruption Committee
MFunk@perkinscoie.com

PERKINSCOIE
COUNSEL TO GREAT COMPANIES

UK Modern Slavery Act of 2015: Transparency in Supply Chains Disclosures (Part 6)

Jurisdiction: Qualify as a "Commercial Organization"?

1) Supplier of goods and/or services?
2) Corporation or partnership (wherever incorporated or formed) carrying on "a business, or part of a business," in any part of the UK?
3) Total annual global turnover exceeding £36 million?

NO → **Act does not apply**

YES ↓

Annual Statement on Steps Taken to Ensure "Clean" Supply Chain (and Business)

Statement setting out steps company took during the past financial year

IF COMPANY TOOK NO STEPS ↓ **Statement that organization "has taken no such steps"**

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Statement detailing steps taken during the past financial year to ensure slavery and human trafficking are not taking place in (1) any of company's supply chains and (2) <u>any</u> part of its business

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Slavery and Human Trafficking Statement "May Include Information Concerning":

- Company's structure/business/supply chains
- Anti-trafficking/slavery policies
- Anti-trafficking/slavery due diligence processes
- Identification assessment and management of risk areas in business/supply chains
- Effectiveness of efforts based on performance measures company considers appropriate
- Anti-trafficking/slavery training available to staff

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Slavery and Human Trafficking Statement Must Be Approved by:

- Corporation - Board of Directors (signed by a Director)
- Limited Liability Partnership - Members (signed by designated Member)
- Limited Partnership registered under UK Limited Partnership Act 1907 (signed by General partner)
- Any other kind of Partnership (signed by a Partner)

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Publication of Statement

If have a website:
- Links to full statement in "prominent place" on website's homepage

If <u>no</u> website:
- Provide copy of statement within 30 days of receiving written request

Penalties for Non-Performance

- High Court injunction (civil action brought by Secretary of State)
- (In Scotland only) Action for specific performances of a statutory duty under § 45 of the Court of Session Act of 1988
- Class action lawsuits
- Consumer advocacy/NGO actions

Slavery and Human Trafficking Defined

- Subjected to force, threats <u>or</u> deception in order to induce others to:
  - Provide services
  - Provide another with benefits of any kind; or
  - Enable another to acquire benefits of any kind
- Victim consent not outcome-determinative

The information contained herein is not, and should not be relied upon as, legal advice, and is not a substitute for qualified legal counsel.