

Modern Slavery Benchmarking Tool

Performance Results and Recommendations

ID: 279

Country: germany

Industry: property-construction-real-estate

Score: 3

Total possible score: 30

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QUESTION: Responsibility

How can we improve?

Adopt and publish policies that set out the organization's commitment to and principles/standards for addressing modern slavery. These may include:

- Human Rights Policy, Modern Slavery Policy and/or Forced and Child Labor Policy
- Ethical Recruitment Policy and/or Employer Pays Principle
- Procurement Policy and/or Supplier Code of Conduct (including provisions on modern slavery)
- Human Resources policies including complaints handling policy
- Grievance Mechanism and Whistleblower Policy
- Investment Policy or Framework
- Remediation Policy or Framework

QUESTION: Strategy

How can we improve?

Embed modern slavery policies into operational procedures and contractual provisions relating to:

- Your organization's workforce (HR policies, employment contracts, ethical recruitment policy);
- Suppliers, recruitment agencies and contractors (recruitment policies/Employer Pays Principle, procurement procedures, supplier code of conduct, contracts);
- Contractual provisions that, amongst other things, enable monitoring (e.g. audits, inspections, reporting of grievances) and require suppliers to assess their own suppliers modern slavery risk and commit to managing it.

Inform relevant departments (such as HR, Procurement, Legal and Risk) and all suppliers and other business relationships (such as joint venture partners) of modern slavery policies, procedures and contractual provisions. Conduct training for current employees and suppliers, and as part of employee induction or supplier onboarding to increase awareness and improve compliance.

Establish a monitoring framework and process to track implementation and develop responses and remedies for breaches such as Self-Assessment Questionnaires, audits and inspections, worker and supplier engagement, and corrective action plans.

QUESTION: Policy Commitment

How can we improve?

Ensure there is a process for reporting modern slavery risks and incidents internally to the executive and Board. This should include

Ensure there is a process for reporting modern slavery risks and incidents internally to the executive and Board. This should include information regarding:

- number of critical breaches of your policies relating to modern slavery;
- number of modern slavery incidents or grievances;
- responses and remedies proposed or provided in relation to breaches and incidents; and,
- analysis of breaches and incidents, and lessons learned for preventing or mitigating them.

Establish how the organization will report publicly on modern slavery risks and incidents, including complying with legal reporting obligations.

QUESTION: Policy Implementation
How can we improve? Not Applicable

QUESTION: Reporting
How can we improve?

Map your organization's operations and value chain and assess them for modern slavery risks, expanding the scope of the risk assessment beyond your operations, employees and direct suppliers as soon as possible.

Identify the specific type of modern slavery risks if possible (such as forced labor, child labor, debt bondage, deceptive recruitment practices, etc), where it occurs in your operations and value chain, what its relevant indicators are (such as loss of freedom of movement, failure to check worker age, payment of recruitment fees, or complaints about contract substitution, etc), and whether you cause, contribute or are directly linked to the risk.

Prioritize the salient risks in your modern slavery risks for attention based on severity and likelihood:

- Assess the severity of the impact on the people affected, considering how grave the impact would be, how widespread (i.e., how many people would it affect) and how hard it would be to remediate the resulting harm; and,
- Consider the likelihood of risk occurring (noting that the most severe risks should be prioritised even if there is a low likelihood of occurring).

QUESTION: Risk Assessment
How can we improve?

Assess employment practices to ensure workers do not face exploitative treatment, making them vulnerable to modern slavery. Identify any practices that need to be improved.

The full list of checklist questions asked are included below for your reference.

- Are workers paid a living wage?
- Are workers paid their wages and other benefits on time?
- Are workers required to work excessive overtime?
- Do workers pay recruitment fees or other fees to get the job?
- Are workers in situations of debt bondage?
- Do workers have safe and sanitary working and living conditions?
- Do workers have contracts in a language they understand?
- Do workers have access to passport/ID documents at all times?
- Are workers free to leave their employment or accommodation at all times?
- Do we ensure workers' interests are adequately represented, including by respecting worker rights to join trade unions or workers associations?
- Are all workers' ages checked and child labor prevented?
- Does discrimination occur in the workplace?

QUESTION: Our Employment Practices
How can we improve?

Design and implement an ongoing due diligence process for assessing and addressing modern slavery risks that is approved by the Board and communicated to employees and suppliers. This involves identifying modern slavery risk and incident, taking action in response to what is identified, tracking responses to make sure they are working, and communicating how risk and incidents are addressed. Reporting, policies

and risk assessment have been covered above and are part of this process.

Monitoring should be added to build a complete due diligence approach including:

- Asking suppliers questions about their workforce, worksites, labor practices, policies and processes for preventing forced and child labor (e.g. Self-Assessment Questionnaires);
- Visiting the supplier's site or facilities;
- Conducting a social audit;
- Engaging with their workers through surveys, interviews, or other technology such as mobile phone apps (this may be conducted as part of an audit or, ideally, established as a channel for ongoing communication with workers);
- Using other risk assessment tools e.g. traceability and risk mapping tools;
- Engaging with a civil society organization(s) to support understanding of risks.

QUESTION: Supplier engagement and due diligence
How can we improve?

Review purchasing practices to identify where they might contribute to increasing pressure on suppliers to exploit workers to comply with contracts and meet orders and thereby increase modern slavery risks to workers.

If your purchasing practices are contributing to modern slavery risks, adopt a Responsible Purchasing Practices Policy that is communicated with key stakeholders and embedded in operational procedures and contractual provisions. At a minimum, this policy should:

- Ensure fair price negotiations with suppliers and prohibit request orders at below production cost, taking care to separate the cost of labor from price negotiations and confirming labor costs reflect the relevant living wage and any costs involved in the recruitment of workers;
- Ensure production timelines and targets are clear and forecasted realistically to avoid pressuring suppliers to cut costs;
- If orders are adjusted or inaccurately forecasted, cover the cost of these adjustments and allow adequate time for any changes to be implemented, reflecting this in contracts; and,
- Commit to paying the full agreed upon amount to suppliers on time.

Build strong relationships with suppliers through consolidation of supply chains, sourcing more from fewer suppliers to improve alignment and practices, increase visibility and reduce complexity.

Reward suppliers that comply with your policies with more business. Incentivize suppliers to monitor and report on conditions in their own workforce and at the next tier in the supply chain.

QUESTION: Purchasing practices
How can we improve? Not Applicable

QUESTION: Grievance mechanisms
How can we improve?

Establish a grievance /complaints process (grievance mechanism) communicated to internal and external stakeholders that meets the following standards:

- It can be used to receive, resolve and remedy labor exploitation and modern slavery-related complaints; and,
- It is effective; i.e., it is accessible, predictable, fair, rights-based, transparent, confidential or anonymous, and it bans retaliation or reprisal. Consider whether parties know the mechanisms exists, can access it in their own language and can raise grievances anonymously.

Consider involving external stakeholders in its design and communication such as suppliers, workers and civil society organizations.

Ask your suppliers if they have a grievance mechanism and determine how you will work with them to receive regular reports and ensure workers in your value chain are able to raise grievances with you/them.

QUESTION: Response and Remediation
How can we improve?

Develop a remediation framework that clearly sets out steps to take to investigate and remediate a breach or an incident. It involves:

- responding to individuals that have been harmed; and,
- preventing and mitigating potential harms.

Investigation includes collecting and verifying information (ensuring witnesses or interviewees are protected from retaliation or reprisal), identifying if harm has occurred and developing responses to address it.

Consider these principles as part of the framework:

- Remediation should aim to “make good” the harm and restore the individual or group to the position they were in before suffering harm. This may involve a range of actions, such as facilitating access to health, legal or psychosocial services, repatriation or financial compensation.
- Your role in providing remediation will depend on how you are connected to the harm – i.e., whether your activities caused, contributed to or were directly linked to it. It may involve providing remedy directly or using your leverage to require others to take action.
- Consider the channels by which breaches or incidents might be identified or received including due diligence and grievance mechanisms.

The remediation framework should also:

- Assign responsibility for leading and managing the framework;
- Ensure the executive and Board are kept informed throughout the process;
- Require reviewing the breach or incident following remediation to identify lessons learned and the mitigation and prevention actions required, including ongoing due diligence regarding the risks related to the breach or incident.