



Understanding and responding to modern slavery in Australia

A guide for frontline workers and responders

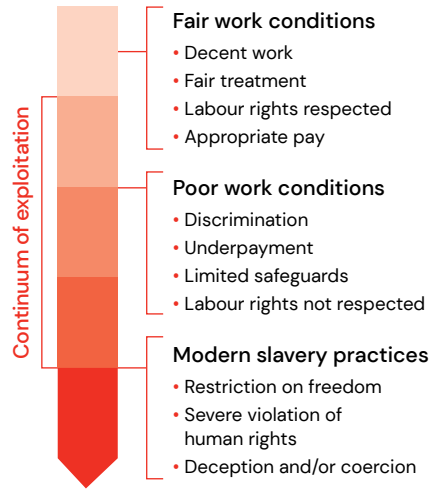
This guide covers how to identify modern slavery, how to reduce risk and respond safely and how to refer people to support.

Exploitation as a continuum

What constitutes criminal labour exploitation in any country differs depending on the legal definition adopted by that country. There are also regional and international laws that lay out acceptable and unacceptable conditions of work. The International Labour Organization administers a comprehensive body of international labour standards www.ilo.org.

Labour exploitation is a continuum, and exploitative practices vary in severity depending on where they fall on the continuum.

Understanding exploitation as a continuum



Fair work conditions – a person is treated fairly under labour laws and policies of the country they are in and/or as defined by international labour laws and standards.

Poor work conditions – situations that do not uphold labour rights. These rights are sometimes defined differently in national laws and policies and in international law.

Modern slavery practices – represent the most severe types of exploitation. There are different modern slavery practices, including restricting someone's freedom, severely violating a person's human rights or deceiving or coercing someone to work.

Remember, the continuum of exploitation is dynamic. And where a particular situation sits on the continuum may move over time and can become severe.



Modern slavery in Australia

Modern slavery is an umbrella term used for a range of practices that involve coercion, threats or deception to exploit people and deprive them of their freedom. These are serious crimes globally and in Australia. They include different offences outlined in Division 270 and 271 of the Australian Criminal Code Act 1995 (Cth). Practices include but are not limited to:

Trafficking in persons

The physical movement of people across or within borders through coercion, threat or deception with the purpose of exploiting them when they reach their destination. When the person trafficked is a child, coercion, threats or deception are not required for a trafficking in persons offence to be established in Australian law. That means any child physically moved for exploitation has been trafficked.

Slavery

Situations where people are owned by others. This includes when ownership is claimed because of a debt or contract made by the victim.

Slavery may include circumstances where someone:

- Buys or sells another person
- Uses a person or their labour in a substantially unrestricted manner
- Controls a person's movements
- Makes a person work with little or no pay

Forced labour

Where a person is not free to stop working or leave their place of work.

Servitude

Where a person is either not free to stop working or leave their place of work, and their freedom is significantly restricted. **Domestic servitude** occurs in the context of domestic work when the circumstances and conditions amount to slavery-like practices.

Debt bondage

Where a person works to repay a real or perceived excessive debt that they may never be able to pay off. Often, they have little control over how long they must work or the type of work they need to do to pay the debt.

Deceptive recruiting for labour or services

Where a person is deceived about the type of work they will do, the length of their stay, living or working conditions or how much they will earn.

The National Action Plan to Combat Modern Slavery 2020–25 sets the strategic direction of Australia's response to these crimes.



Trafficking



Slavery



Forced Labour



Servitude



Debt Bondage



Deceptive Recruiting

High risk industries

Modern slavery can happen anywhere in Australia. It occurs in urban, regional and remote areas and in different industries. It happens in commercial workplaces and private homes. Jobs considered high risk include, but not limited to:



Hospitality



Agriculture



Logistics



Construction



Retail



Domestic work

High risk groups

Modern slavery can happen to anyone, but those at higher risk include:



People with temp/no visas



Women



Isolated people



Refugees and people seeking asylum



Workers in private settings




People with disabilities


Migrant workers are particularly vulnerable to modern slavery in Australia because of language barriers, lack of awareness of local workplace laws, expectations based on their experience in other countries and their visa conditions.



How to respond to concerns and disclosures of modern slavery

Use these four steps as a guide when responding to concerns or disclosures.

 **Recognise signs**

 **Reduce risk**

 **Respond safely**

 **Refer**



Recognise signs

Understand and be aware of signs suggesting someone is experiencing modern slavery. Look at these indicators in the context of individual situations.

Signs of **forced labour** can include, but are not limited to:

- being forced to work;
- working long hours with little time off;
- not having control over their earnings;
- paying off a large debt to a recruiter or employer for travel, accommodation, clothing, food transport or work documents;
- not being able to leave their place of work or negotiate conditions;
- being intimidated or threatened at work, such as being told they will be deported, or their family will be harmed;

- not able to access their passport or other identification documents;
- not being able to see a doctor or get medical treatment.

Signs of **domestic servitude** can include, but are not limited to:

- never or rarely being able to leave the house for personal reasons;
- only being allowed to leave the house under employer supervision;
- not being allowed contact with family or friends;
- having their phone taken away;
- being made to sleep in a shared or inappropriate space and not having access to any private space;
- being subjected to insults, degrading treatment, abuse or violence;
- experiencing sleep and food deprivation.

Key questions to ask yourself include:

- Is the person free to leave or stop working?
- Has the person been coerced or deceived in any way?
- Has their freedom been affected by their work conditions?
- Are there any restrictions on the person's movement or communication?



Reduce risk

Each person's experience of modern slavery is unique, and different factors and barriers might affect their decision to come forward and seek help. The impact of modern slavery is often profound and long-term and may affect people in different ways. Keep these barriers and impacts in mind when speaking with people who may have been affected to try to reduce any risks and avoid further harm.

Barriers to seeking help may include:

- Fear of deportation and arrest
- Shame, manipulation or intimidation
- Lack of awareness of rights and available support
- Difficulties in discussing sensitive/taboo topics like exploitation
- Concerns for the safety of loved ones
- Language barriers
- Social isolation
- Mental health issues including trauma
- Potential loss of income and livelihood
- Mistrust of authorities
- Physical constraints

The impact of modern slavery can include:

- Injuries from physical abuse
- Trauma from physical/psychological abuse
- Mental health issues, including anxiety, depression, post-traumatic stress disorder
- Feelings of powerlessness and

- uncertainty
- Lack of trust
- Sense of isolation
- Distress and overwhelming anger
- Guilt and shame

Perpetrators and traffickers use psychological abuse, manipulation and other cruel means to diminish a person's agency and cause harm. People experience the harm caused by exploitation differently, and how it affects them may change over time.



Respond safely

If you have concerns or receive a disclosure, responding safely with compassion, sensitivity and dignity while helping the person find support options is essential.

Safety is of paramount concern. Any actions you take must be considered thoroughly to ensure you are not putting the person at further risk. Sometimes people do not recognise they are being exploited or are not ready to leave their situation. Regardless of what stage they are at, you can help them access immediate and longer-term support. If someone tells you they have been exploited, consider the situation and assess any risks.

- React in a sensitive, calm way, acknowledge their situation, and listen to them.
- Let them know you believe them, both verbally and non-verbally.



- Take accurate notes.
- Explore their needs: Are they feeling safe? Are there any risks? What would they like to happen next?
- Explain that you will respect their wishes about what they want to happen next.
- Explore options available to them.
- It is important not to make promises about what support is available, as this often differs on a case-by-case basis.



Refer

Making referrals to appropriate service providers is crucial in connecting people with help. This process must be voluntary, and the person at risk must provide informed consent before a referral is made.

When making referrals, some considerations to be mindful of include:

- communicating the role of services and what referral processes may look like;
- documenting consent where appropriate;
- services offered are tailored to the person's immediate, short-term and long-term needs;
- selecting credible and professional services;
- confirming eligibility with services before making referrals;
- following up with the person to see how their experience has been with the service;
- storing information about the referral in a safe, ethical and confidential manner.

Key organisations and agencies

These organisations and agencies provide free information and support to people who have experienced modern slavery.

Free and confidential information about support options, contact Australian Red Cross

Red Cross provides help and support to migrants in Australia, including people who have experienced human trafficking, forced labour or forced marriage. Red Cross delivers the Support for Trafficked People Program across the country, helping people recover and rebuild their lives.

The program helps people find somewhere safe to live and provides support to access medical care, counselling, and legal and migration advice.

It also provides financial support, and help with education, training, finding a job and building social connections.

The Department of Social Services funds the program. Eligibility is decided by the Australian Federal Police (AFP).

T. 03 9345 1800
E. National_stpp@redcross.org.au
W. redcross.org.au/stpp

Free and confidential legal and migration assistance, contact Anti-Slavery Australia

This specialist legal practice supports people experiencing or at risk of modern slavery. They provide free and confidential legal advice, assistance and representation on immigration, citizenship, employment law, family law, criminal law and victims' compensation.

T. 02 9514 8115
E. ASALegal@uts.edu.au
W. antislavery.org.au

To make a report or discuss a concern, contact the AFP

The federal police investigate cases of modern slavery and can refer suspected cases to the Support for Trafficked People Program, run by Australian Red Cross. They also work to raise awareness of modern slavery practices in this country.

T. 131 237 (131 AFP)
W. afp.gov.au

Learn more

Want to learn more about labour exploitation and modern slavery?

Take our free, self-paced course online by visiting redcross.org.au/workrighthub

This guide was developed in January 2023 and is only intended to provide general information. It does not replace the need for people to seek their own legal or other advice.

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