**Model Tender Schedule**

**Agency guidance:**

1. **This template can be used to assist agencies in relation to addressing modern slavery risks in government procurement. It is not exhaustive, and it is not legal advice. The template should be adapted on an agency, project, category and procurement basis, as appropriate.**
2. **The questions within this Model Tender Schedule should be tailored to suit the specific procurement, particularly where there is a high risk of modern slavery; however, using standardised tender questions across NSW Government procurement (to the extent possible and appropriate) will help make it easier for suppliers tendering for multiple Government contracts.**

**What is modern slavery?**

The term modern slavery is used to describe situations where adults and children are exploited because they have been coerced, threatened or deceived. It describes situations where a person’s freedom and dignity have been taken away.

The term “modern slavery” is defined in section 5 of the *Modern Slavery Act 2018(NSW)* and refers to a range of serious crimes, including slavery, servitude (domestic and sexual), human trafficking, forced labour, debt bondage, child labour and forced marriage.

Modern slavery takes many forms. It could be:

* A cleaner in an office who is unable to stop working due to threats of violence from their employer
* A young brick layer who is coerced into taking a job on a dangerous site, paid very little, and required to live on site
* A migrant worker in a factory who has not received any wages while they work to repay an exorbitant debt owed for their recruitment.

**What is the responsibility of business?**

Modern slavery can occur in every industry and sector. The nature and extent of modern slavery means that there is a risk that it is present in any business’ operations and supply chains.

Under the *Modern Slavery Act 2018* (NSW) a government agency must take reasonable steps to ensure that goods and services procured by and for the agency are not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*. Government agencies are required to report annually on modern slavery risks across government procurement as part of the process for eliminating modern slavery.

Taking responsibility for implementing processes to eliminate or minimise the risk of the goods or services supplied being products of modern slavery is an opportunity for your business to use its influence and purchasing power to create genuine change.

The [*UN Guiding Principles on Business and Human Rights*](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (UN Guiding Principles) requires all businesses to undertake human rights due diligence to prevent and address the adverse human rights impacts linked to their business activities. Human rights due diligence is an ongoing process of identifying and assessing human rights impacts, acting upon the business’ findings, tracking the response, and sharing the results.

The questions in this tender schedule are designed to support your business to undertake human rights due diligence. Your business is encouraged to provide honest and transparent responses to the questions about any action, or planned action, to address the risk of modern slavery in its operations and supply chains.

**Key Terms Explained**

In the questions below, your business will be asked to explain how it addresses modern slavery risks in its operations and supply chains. The following definitions may help your business understand and respond to these questions:

* **Modern slavery risks**: The ‘risks of modern slavery’ means the potential for your business to cause, contribute to, or be directly linked to modern slavery through its operations and supply chains.
* **Operations**: The operations of your business mean any activity or business relationship undertaken to pursue your business objectives and strategy. This includes research and development, construction, production, arrangements with suppliers, distribution, purchasing, marketing, sales, provision and delivery of services, financial lending, and investments.
* **Supply chains**: The supply chains of your business mean the products and services (including labour) that contribute to your business’ own products and services. This includes the products and services sourced in Australia, or overseas, and extends beyond your direct suppliers.

**Questions for Suppliers**

| **Part A**These questions are designed to understand the extent to which your business is committed to developing its response to modern slavery risks (even if the business does not have a response already in place).  |
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| **Question** | **Select response** | **Additional information** |
| 1. Is your business subject to reporting requirements under the Commonwealth*Modern Slavery Act 2018*or the UK*Modern Slavery Act 2015?*
 | [ ] Yes[ ]  No  | *If your business is subject to reporting requirements under the UK Modern Slavery Act, please provide a copy of your most recent Modern Slavery Statement.* *If your business is subject to reporting requirements under the Commonwealth Modern Slavery Act, please attach your most recent Modern Slavery Statement.* |
| 1. Which of the following best describes how your business manages the risk of modern slavery in your operations and supply chains?
 | 1. *Comprehensive processes are in place*
2. *Some processes have been introduced and a rollout plan is underway*
3. *In the planning stage*
4. *Not yet commenced but have an intention to commence*
5. *Unwilling to manage the modern slavery risks in our business operations and supply chains*
 |   |
| 1. Is your business willing to work with the NSW Government to address modern slavery risks in its operations and supply chains?
 | [ ] Yes[ ]  No  |   |
| 1. The NSW Government is committed to making it easy to do business. Do you agree that the answers to your questions in this response may be shared with other NSW government agencies through a supplier database to minimise duplication?
 | [ ] Yes[ ]  No  | *If no, why not?* |

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| **Part B**These questions have been designed to understand how you have assessed modern slavery risks in your business operations and supply chains, and the actions you are taking to address any risks.  |
| **Part B (1): Identifying modern slavery risks** |
| **Category** | **Question** | **Supplier response** |
| General   | 1. Briefly describe your business’ operations, including the nature of activities undertaken by your business and the countries in which your business operates.
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| 1. Briefly describe your business’ supply chain, including the types of goods and services your business purchases, and the related sourcing countries.
 |   |
| 1. How does your business identify modern slavery risks in its operations and supply chains?
 | *Consider describing how your business understands and identifies where there might be risk across your operations and supply chains.*  |
| Procurement Specific   | 1. In relation to the goods and/or services your business is supplying to the NSW Government for this tender, have you identified any modern slavery risks? If yes, describe the nature of the risks identified?
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| **Part B (2): Take action to address modern slavery risks** |
| **Category** | **Question** | **Supplier response** |
| General  | 1. How is your business addressing the risk of modern slavery in its operations and supply chains?
 | *Consider describing any policies, guidelines, training, or other risk-based due diligence or remediation frameworks you have in place.* |
| 1. Is your business a member of, or certified by, an organisation that conducts social or workforce audits?  If yes, please identify the type of membership and audits conducted.
 | [ ] Yes[ ]  No |
| 1. If your business does not have any measures in place to address its  modern slavery risks, please outline any plans to do so,
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| 1. Please detail or attach any further supporting information to demonstrate your business’ actions to address modern slavery in its operation and supply chain.
 | *Consider providing a copy of your ethical sourcing policy, human rights policy, sustainability report, statement of business ethics, or supplier code of conduct.* |
|  **Part B (3): Monitor and track progress** |
| **Category** | **Question** | **Supplier response** |
| General  | 1. Describe how your business tracks the effectiveness of action taken to address modern slavery risks.
 | *You may be able to measure the effectiveness of your business’ actions through feedback from a trusted NGO or industry group, external audits, employee surveys or monitoring reports made through grievance mechanisms.* |
| Procurement specific  | 1. In relation to this tender, please describe how your business plans to engage with its suppliers regarding the management of modern slavery risks.
 | *Consider supplier screening checks, supplier on boarding, audits or site visits.* |