

# LISTENING AND RESPONDING TO MODERN SLAVERY IN PROPERTY & CONSTRUCTION

A practical guide for effective human rights  
grievance mechanisms





## **The essential Guide for property and construction businesses to effectively listen and respond to modern slavery using human rights grievance mechanisms.**

KPMG Australia (KPMG), in collaboration with the Property Council of Australia, has developed a practical guide for businesses to better understand and address modern slavery in the property and construction sector. Effective human rights grievance mechanisms are a critical component of a good practice response to modern slavery in workplaces.

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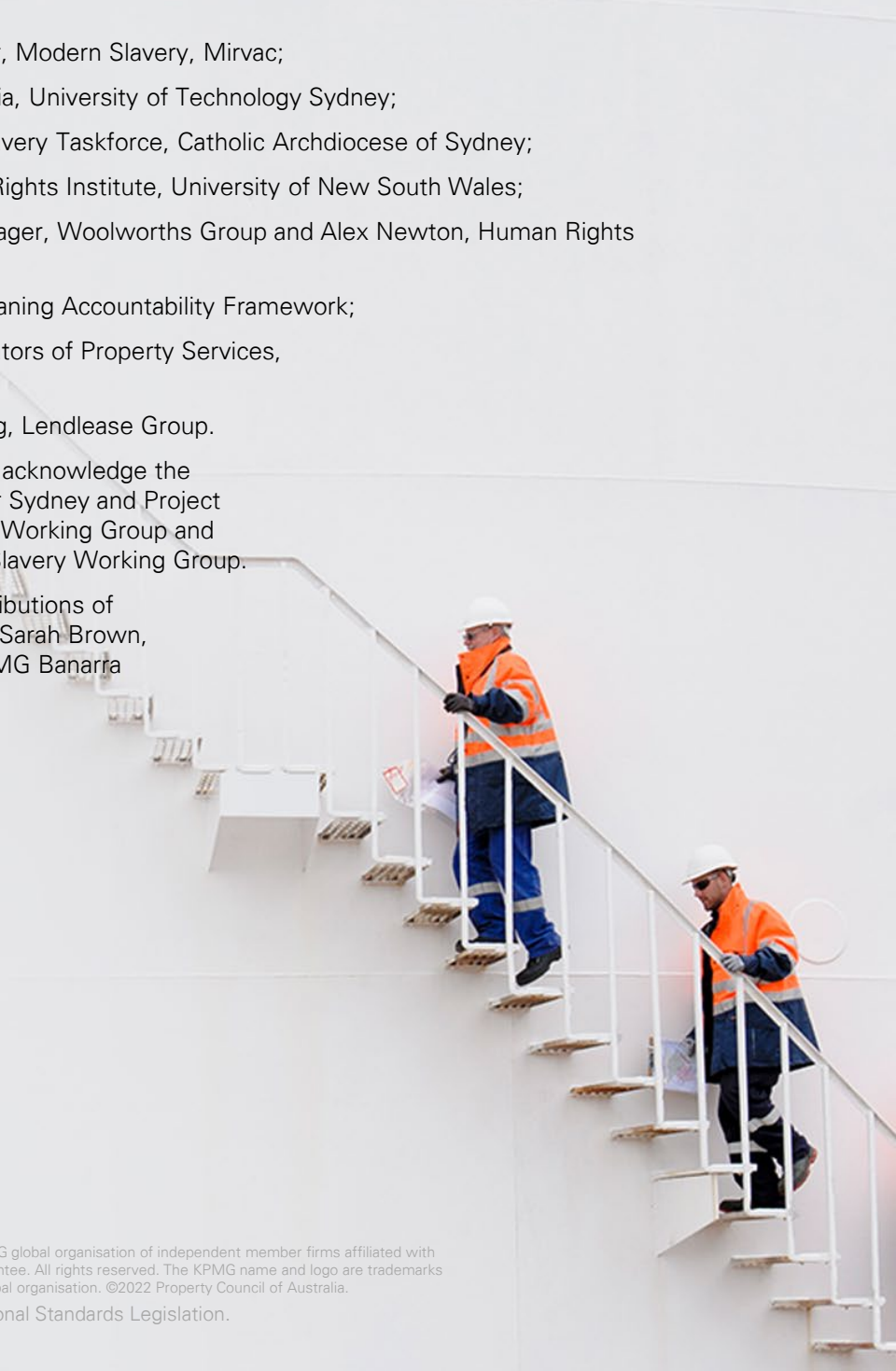
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### **Accessibility**

We are committed to making our resources accessible and widely available. As such, two versions of this Guide are available: a KPMG and Property Council of Australia branded PDF version and a Microsoft Word version. The KPMG and Property Council of Australia branded PDF version remains the definitive version of this Guide.



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# 01 Modern slavery in the property and construction sector

## 1.1. What is modern slavery?

The term ‘modern slavery’ describes situations where coercion, deception or threats are used to exploit workers or to undermine or deprive them of their freedom.

Modern slavery can occur in any workplace. There are many ways people can become trapped in situations of modern slavery, including:

- Human trafficking;
- Slavery;
- Servitude;
- Forced labour;
- Debt bondage;
- Forced marriage;
- Worst forms of child labour; and/or
- Deceptive recruitment for labour or services.

Modern slavery operates on a spectrum (as set out in Figure 1). Although working conditions can appear to represent either fair and decent work, substandard working conditions or modern slavery, they can change from one situation to another over time.

## CASE STUDY

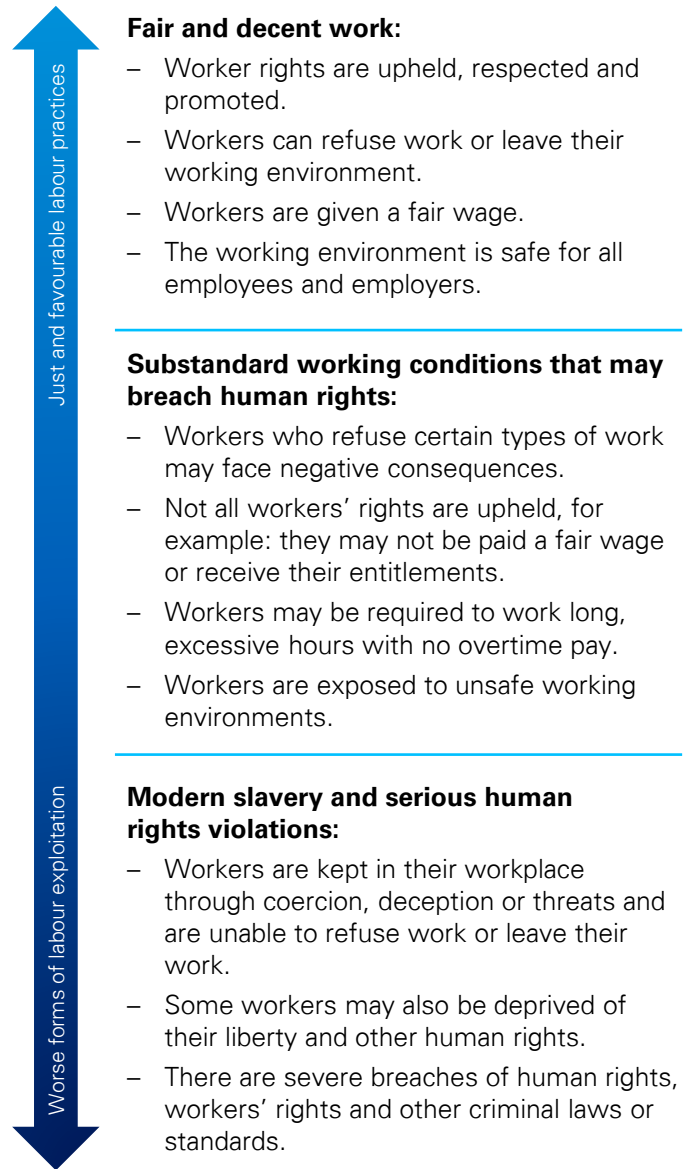
### 01: Paulo: forced labour

*Paulo moved to Australia for better opportunities to work and is now a worker for a construction services company. When he arrived, his labour agent confiscated his passport. It has been over six weeks and he has not been paid. His employer threatened that if he tells anyone, they will report him to the Australian authorities. Paulo is afraid of being deported because he is unsure if he is working illegally. He feels isolated and does not know where to seek help.*

Paulo is in a situation of forced labour. He is not free to stop working or to leave his place of work.

**Go to [page 19](#) to read how Paulo might use an internal human rights grievance mechanism to remedy this situation.**

Figure 1: Working conditions scale



## MODERN SLAVERY



For more information about the different situations of modern slavery, please see the Australian Government’s range of resources [here](#).

Figure 1 has been adapted from the [Australian Government’s Commonwealth Modern Slavery Act 2018: Guidance for reporting entities](#).

## 1.2. What is the role of property and construction businesses in preventing modern slavery?

Property and construction business activities can both directly and indirectly impact the lives of many people, especially those hidden deep within complex supply chains. Property and construction contracts will often involve multiple tiers of management and international procurement processes that last many years. As a result, collaboration around key topics, such as grievance mechanisms and remediation are more important than ever.

Property and construction businesses, including asset owners, suppliers, contractors and subcontractors, all play a fundamental role in combatting modern slavery in their workplaces. They achieve this by listening and responding to potential and realised harms to people all across their operations and supply chains.

This is part of the corporate responsibility to respect human rights, which underpins the Australian *Modern Slavery Act 2018 (Cth)* reporting requirements. Taking action to address modern slavery is increasingly required by domestic as well as international laws and standards, for example, from the *Modern Slavery Act 2018* in New South Wales to the proposed *European Union Directive on Corporate Sustainability Due Diligence 2022*.

The global community of governments, investors and civil society increasingly expect businesses to address and prevent human rights related harm, including modern slavery. Effective human rights grievance mechanisms are a critical component of a good practice response to modern slavery.

This Guide explores the role of property and construction businesses in using human rights grievance mechanisms to listen and respond to the human rights grievances of rights-holders, by prioritising the voice of the worker.

### CASE STUDY

#### 02: Sanjana: deceptive recruitment and debt bondage

*Sanjana has been promised permanent residency in Australia if she works as a cleaner for a construction project. She has borrowed large amounts of money to move to Australia with the hope of being able to better financially support her family overseas. At the start of her employment, Sanjana did not sign any agreement about her working conditions. She now lives in cramped accommodation, owned by the subcontractor, with five other people. Every week, Sanjana's wages are heavily deducted for the costs of rent, migration processing, job qualification fees and food. She is left with little to no money to send back home.*

Sanjana is experiencing deceptive recruitment and debt bondage. She was deceived into servitude-like employment with the false promise of permanent residency.

**Go to [page 20](#) to read how Sanjana might use a grievance mechanism to remedy this situation.**

### Grievance mechanisms



Systems used to raise, assess, investigate and respond to concerns, feedback and complaints. Go to [page 11](#) to read more about human rights grievance mechanisms.

### Rights-holder



Anyone whose human rights could be impacted by a business' activities.





**The Property Council of Australia is committed to a fair, respectful and equitable industry. It is vital that property and construction firms, as well as their suppliers, offer accessible, effective and meaningful ways for people to raise human rights concerns.”**

Ken Morrison  
Chief Executive  
Property Council of Australia

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## 1.3. Where are modern slavery risks higher across property and construction?

Some areas of the property and construction sector and its related business activities, such as administration, security, cleaning and maintenance, are considered to be high risk for modern slavery. This is due to a number of risk factors, including high risk business models, vulnerable populations, high risk categories of goods and services and high risk business geographies. When these risk factors intersect, the potential for workers to experience modern slavery increases.

**Property and construction businesses need to understand the modern slavery risk factors that are relevant to them and ensure that all workers have access to a human rights grievance mechanism to raise issues, concerns and complaints.**

### Risk factor: High risk business models

*Sam is the owner of a construction company. She has been informed that her bid would be the preferred choice if she reduced the quote by 15%. Sam's margin was only 3% on the quote, so she asked her team to reduce the cost of human and material resources for the project until they at least broke even, or they all risk losing their jobs. A higher risk of harm to people may arise where outsourced operations, contractors and sub-contractors use exploitative practices to reduce costs.*

The property and construction sector outsources significant parts of their labour force by drawing on multiple specialised inputs. This includes services supporting construction projects, relocation and flexible relationships with their workforce and other third parties. A business model like that described above may increase the risk of harm to people due to complex supply chains transcending borders and reduced visibility over labour conditions, especially those overseas. As a result, businesses may unknowingly contribute to or be associated with modern slavery.

### Risk factor: Vulnerable populations

*Jaxx is a backpacker on a working holiday visa who is desperate for work. They have limited English skills and no experience working in Australia and is hired by a project manager through a labour-hire agency. As no one else in the crew speaks their language, Jaxx has no one to turn to when they need help understanding their rights and pay entitlements.*

The property and construction sector frequently employs low-waged and base-skilled (or low- to semi-skilled) workers from vulnerable populations. These people have personal characteristics or circumstances which make them more susceptible to modern slavery.

Vulnerable populations also face additional barriers to reporting their injustices and, or harm. Within the property and construction workforce, there may be a high proportion of migrant workers who experience visa insecurity, language barriers and lack of access to information and support services. The use of labour-hire agencies may also reduce the visibility of worker conditions, increasing the risk of harm. Investigations into labour-hire agencies in Australia have uncovered instances of gross underpayment of wages, charging of recruitment fees and deduction of wages for visa sponsorships. Such practices are unlawful and may lead to serious exploitation.

### Risk factor: High risk categories of goods and services

*Mohamed has been subcontracted by a project manager as a security guard across multiple sites. He works long and irregular and nightshift hours. He is also often exposed to hazardous raw materials when patrolling work sites as proper protective equipment may not always be available.*

Businesses in the property and construction industries often work with specific categories of goods and services that inherently present an elevated risk of modern slavery practices. These workplaces may struggle with dangerous and insecure working conditions, especially if there are low levels of labour standard protections in place. The labour force often engages with raw materials, such as: bricks, timber and cement in labour-intensive and seasonal, including: temporary, irregular and night-time projects. If not monitored or addressed adequately, slavery-like practices can happen in and across complex supply chains.

### Risk factor: High risk geographies

*A project manager sources materials from offshore suppliers. The area where these components are manufactured is a well-known forced labour and human trafficking hot-spot, or high-risk geographies, and the supplier has been accused of poor practices, including debt bondage.*

Some property and construction businesses operate across borders, including in high-risk geographies. High-risk geographies are countries or areas that have a weak rule of law, corruption, conflict and large populations of internally displaced people or migrant workers. Property and construction businesses may extend their geographical risk exposure through their sourcing and procurements activities, such as across the Indo-Pacific.



**Many organisations have developed governance structures to start assessing, addressing, and reporting modern slavery risks, and these need to become more effective and reflective.**

**The focus must turn to how organisations can listen to staff and suppliers, and improve accessibility, engagement with stakeholders, transparency and trust in those processes over time.**

**And it won't be enough to simply listen – grievance mechanisms must be consistent and reliable in order to achieve real change, ensure continuous learning, and support human rights.”**

Robin Mellon  
CEO, Better Sydney  
Project Manager, Property Council  
Modern Slavery Working Group & Supplier Platform



## 1.4. Why do property and construction businesses need human rights grievance mechanisms?

Through the implementation of human rights grievance mechanisms, businesses can listen and respond, provide assistance and help remediate harm, to create safe and respectful workplaces and communities.

### Benefits for businesses:

- Human rights grievance mechanisms enable business improvement in process and in practice. They provide a 'feedback loop' that is critical to a business learning about any potential negative effects of its business operations, so that it can take action to address and prevent these risks.
- Human rights grievance mechanisms help businesses identify where they could provide access to remedies and/or target improvements in relation to responsible sourcing practices and community impacts.

### Benefits for workers:

- Human rights grievance mechanisms enable dialogue and engagement between a business and its stakeholders. They are a means for workers to voice their ideas, concerns, feedback or complaints through a 'worker voice'.
- Human rights grievance mechanisms provide avenues for workers to seek support and redress (including remedy) when they have been harmed.
- The communication and outreach associated with establishing and running an effective human rights grievance mechanism provides a means for workers to learn about their rights and facilitates worker empowerment.



### Worker voice



Inclusion and active participation of workers in the decision-making processes that affect them.

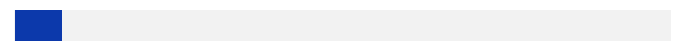
### Remediate



To restore individuals or groups that have been harmed by a business's activities to the situation they would have been in had the impact not occurred, or, where this is not possible, to provide compensation or other forms of remedy that try to make amends for the harm caused.

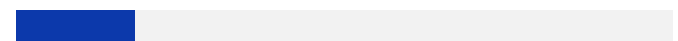
7%

Of the global workforce is employed by the property and construction sector (KPMG & AHRC)



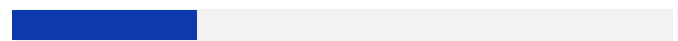
18%

Of modern slavery victims are found in the construction industry (KPMG & AHRC)



25%

More than 25% of people derive their wage from the property industry directly or indirectly (Property Council of Australia)



# 02 Tools for businesses and workers to identify and report modern slavery

## 2.1. What are human rights grievance mechanisms?

Human rights grievance mechanisms are the systems used to raise, assess, investigate and respond to human rights concerns and grievances, which may include modern slavery issues. They are channels that allow stakeholders to voice their concerns about a business’ activities and access remedies to address the harm or damage they have suffered as a result of those business activities.

It is good practice for businesses to have human rights grievance mechanisms that can be accessed not just by their employees but also by stakeholders across their value chain, including workers in the supply chain.

### Types of human rights grievances

Human rights grievances may also be referred to as:

- Concerns: where the issue is not clear;
- Feedback: where the issue offers a learning opportunity; or
- Complaints: where the issue has caused harm.

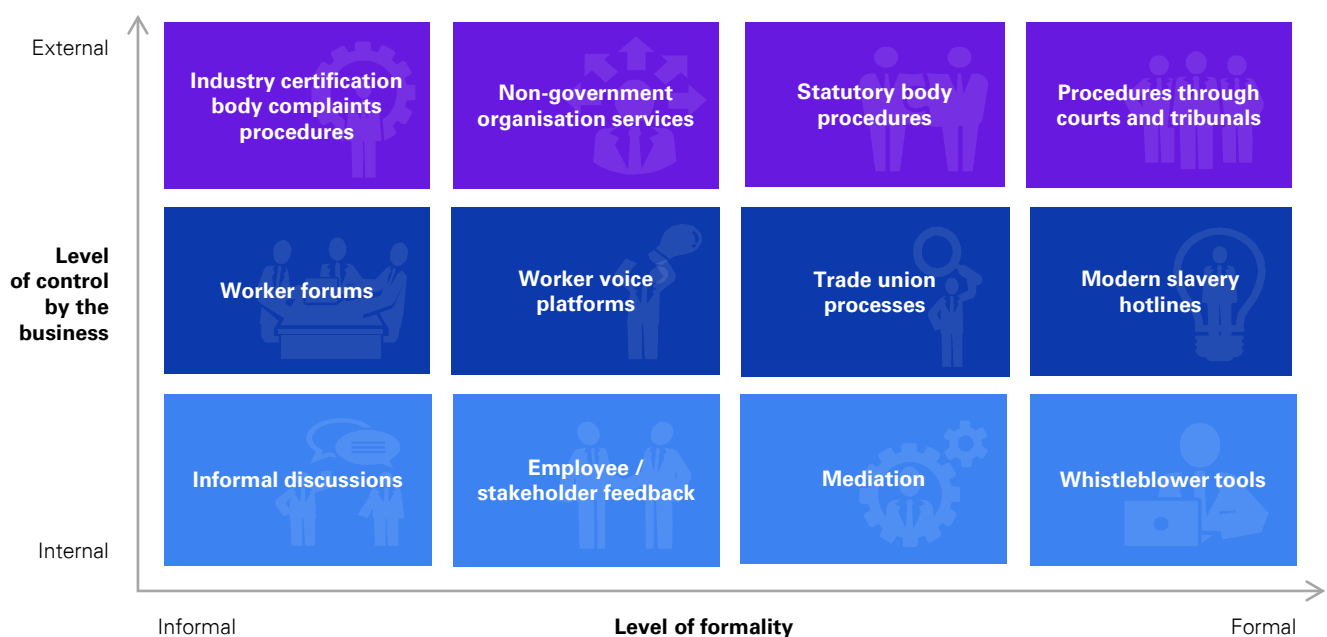
### Forms of human rights grievance mechanisms

There are many different forms of human rights grievance mechanisms. They can be internal or external to a business and involve varying levels of informality and formality through the process (see Figure 2 below). Informal mechanisms are often used in the early stages of raising a grievance and should be supplemented by more formal grievance mechanisms as the grievance progresses.

Judicial and non-judicial state-based mechanisms (which are those established by the government or governed by law) are external mechanisms and may be used by rights-holders when internal mechanisms fail to adequately address grievances which have been raised.

This Guide focuses on human rights grievance mechanisms that are established by property and construction businesses. It recommends that businesses develop human rights grievance mechanisms that are appropriate for their business. To be effective, they should meet the effectiveness criteria in [part 3.1 of this Guide](#).

**Figure 2: Common human rights grievance mechanisms**



## 2.2. What do human rights grievance mechanisms look like?

Human rights grievance mechanisms may already exist in your workplace. The variety of mechanisms that exist, as set out below, shows that there is no one-size-fits-all approach to addressing human rights grievances.

Businesses need to review any existing mechanisms and systems to determine whether they are adequate. They should also use the effectiveness criteria ([part 3.1 of this Guide](#)) to determine whether any changes to existing mechanisms are required.

### Types of human rights grievance mechanisms businesses can adopt or implement:

#### Informal channels

Informal channels include discussions which are casual and unstructured conversations about a grievance between employees and with someone in a more senior position, such as a manager or supervisor. They may become more formal and may include a support person or a union representative if required. Many workplaces have processes for informal discussions both within and outside of the chain of command, for example 'speak up safely' processes. Another example of informal channels is suggestion boxes, or worker surveys to gather feedback.

#### Formal discussions

Formal discussions, for example when one or more employees meet with someone in a more senior position, or with human resources, are structured conversations with specialised personnel dedicated to deal with grievances. This may also involve or lead to mediation.

#### Worker forums

Worker forums can be an effective way of identifying issues and trends. These may be regularised or ad hoc, facilitated by trusted staff or external experts. They can also be used for awareness raising and education, providing opportunities for workers to raise concerns about human rights related issues. For example, the [Cleaning Accountability Framework \(CAF\)](#) organises worker forums on CAF certified work sites.

#### Modern slavery hotlines

Complaint hotlines can include an on-site complaints box, business address, phone number, email or mobile app where general grievances can be raised, often anonymously. An example of a complaint hotline is Lendlease's [online Complaints and Feedback submission](#).

#### Whistleblower tools

Whistleblower tools are confidential ways to report grievances related to illegal, unethical or dangerous misconduct. An example of a whistleblower tool is Stockland's [Tell Me](#).

#### Company codes of conduct complaint procedures

Company codes of conduct are specific business policies which set the ethical and behavioural standards for the business. While they are not themselves grievance mechanisms, they should (and often do) include ways of holding the business or individuals in the business to account if violations of the code have occurred. An example of a company's code of conduct is the ISPT's [Human Rights Policy](#).

#### Independent third party providers

Some businesses outsource the handling of human rights grievances to independent third party providers. One example of this is the [Woolworths Groups' Speak Up complaints hotline](#), run by a third-party.

#### Worker voice platforms

Leading businesses are increasingly deploying third party providers to establish mechanisms to seek worker feedback and grievances, particularly from high risk suppliers, ensuring greater transparency of worker conditions throughout supply chains. These 'worker voice platforms' enable workers to provide feedback and report grievances and enable businesses to hear directly from workers. This can be part of a supplier assessment, social audit process, or as part of ongoing monitoring and engagement.

### Other human rights grievance mechanisms that may be used by rights-holders or other stakeholders:

#### Industry certification body complaints procedures

Industry-led guidelines or codes of conduct are standards that are recommended to the wider property and construction sector or their stakeholders. They may be accompanied by information about the processes available for enforcement and complaints handling. An example of an Australian-specific industry guideline is the Australian Building and Construction Commission's [Get the Right Start brochure](#), and its [Anonymous Reporting Form](#).

Some industry bodies provide certification processes, to ensure standards across their membership, and tools for monitoring compliance, including grievance mechanisms for violations. An example is the CAF's [Building Certification](#). Another example of a relevant industry-led code of conduct with a process for certification, and a complaints procedure, is the [International Code of Conduct for Private Security Providers](#).

#### Trade union processes

As trade unions are associations that represent, safeguard and promote the interests of their members, they are well placed to participate in and support human rights mechanism processes in various ways.

This may include supporting workers to use available grievance mechanisms or initiating internal and external human rights mechanisms themselves. They can also host worker forums to identify issues and empower workers to claim their rights. An example of a trade union that participates in supporting workers to use human rights grievance mechanisms is the [United Worker's Union for Property Services](#).

#### Non-government organisation services

Non-government organisations (NGOs) include charities and advocacy groups. Some NGOs provide human rights grievance mechanisms for workers and suppliers, as well as support services, for example Anti-Slavery Australia's [free legal and migration services](#).

#### Statutory body procedures

Statutory bodies such as ombudsman offices and the [Australian Human Rights Commission](#) have processes for mediating and adjudicating complaints about issues such as equal employment and discrimination.

#### Procedures through courts and tribunals

When internal human rights grievance resolution has failed, rights-holders may seek recourse via courts or tribunals, such as the [Fair Work Commission](#).



## 2.3. Who uses human rights grievance mechanisms?

Human rights grievance mechanisms can involve a diverse range of stakeholders, each with differing roles and responsibilities. Figure 3 outlines the roles and responsibilities of rights-holders, businesses, users, supporting third parties, providers, grievance handlers, industry bodies and governments.

Operationalising human rights grievance mechanisms is often a multi-stakeholder process requiring collaboration. Setting up an effective human rights grievance mechanism starts with understanding the roles and responsibilities of relevant stakeholder groups.

**Figure 3: Roles and responsibilities of human rights grievance mechanism stakeholders**

<p><b>01 Rights-holders</b></p> <p><b>Role:</b> anyone whose human rights could be impacted by a business' activities.</p> <p><b>Responsibilities:</b> to not violate the human rights of others and to not contribute to creating unfair, unfavourable, or unsafe working conditions.</p>	<p><b>05 Providers</b></p> <p><b>Role:</b> offer services to operate the human rights grievance mechanism system either internally or externally.</p> <p><b>Responsibilities:</b> to design, implement and review effective grievance mechanisms for the business.</p>
<p><b>02 Businesses</b></p> <p><b>Role:</b> engage in activities to make a profit and which can directly or indirectly impact rights-holders.</p> <p><b>Responsibilities:</b> to ensure fair, favourable and safe working conditions and provide a mechanism for grievance and remediation.</p>	<p><b>06 Grievance handlers</b></p> <p><b>Role:</b> perform the day-to-day functioning of the human rights grievance mechanism.</p> <p><b>Responsibilities:</b> to acknowledge, investigate and remedy the grievance with cultural competence.</p>
<p><b>03 Users</b></p> <p><b>Role:</b> anyone who uses a human rights grievance mechanism in an attempt to resolve their issue (also known as a complainant), including a rights-holder and/or a supporting third party.</p> <p><b>Responsibilities:</b> to raise their grievance(s) through appropriate mechanisms.</p>	<p><b>07 Industry bodies</b></p> <p><b>Role:</b> recommends standards for human rights grievance mechanisms.</p> <p><b>Responsibilities:</b> to offer (additional) support to businesses and users.</p>
<p><b>04 Supporting Third Parties</b></p> <p><b>Role:</b> people or organisations that are independent of the business, such as trade unions and NGOs.</p> <p><b>Responsibilities:</b> to offer (additional) support to the rights-holder and user.</p>	<p><b>08 Government</b></p> <p><b>Role:</b> regulates modern slavery through state-based mechanisms.</p> <p><b>Responsibilities:</b> to establish and enforce modern slavery regulations and may offer (additional) support to businesses and users.</p>

# 03 Setting up an effective human rights grievance mechanism for modern slavery

## 3.1. How to put in place an effective human rights grievance mechanism?

The *United Nations Guiding Principles on Business and Human Rights (UNGPs)* have established eight criterion that should be applied when designing, implementing and reviewing effective human rights grievance mechanisms for your workplace.

The following tables outline what each of the eight effectiveness criteria means for rights-holders and what options businesses have in order to put them into practice.

### Legitimate

#### What does this mean for the human rights grievance mechanism?

Users need to be able to trust the mechanism, and the provider must be accountable for how grievances are handled.

#### How do you put it into practice?

- Create a formal accountability structure for grievance processes in your business
- Include budget(s) for human rights grievance mechanisms (e.g. development, training, use) in contract agreements if being outsourced
- Offer the option to submit grievances anonymously
- Ensure the grievance handler is specially trained to handle human rights related complaints in a people-centric manner that focuses on rights-holder safety and support

### Accessible

#### What does this mean for the human rights grievance mechanism?

Users need to know that the human rights grievance mechanism exists, and must be able to access it easily or receive adequate assistance if they face any barriers to access.

#### How do you put it into practice?

- Create a culture of safety and trust through regular communication and training so that rights-holders understand their rights and feel safe to speak up about their grievances
- Publicise multiple and different access points in easy to find locations by considering the demographics, culture and languages of your workers and workers in your supply chains (e.g. posters with QR codes, business cards with hotline numbers in different languages)
- Provide support for workers to use mechanisms in a linguistically and culturally appropriate manner (this may include referring people to support people and services)
- Consider holding group forums and meetings for workers (to attend during paid work time) to voice and address universal issues

## Predictable

### What does this mean for the human rights grievance mechanism?

Providers must be clear about each step of the human rights grievance mechanism process, including timeframes, decision-making processes and possible outcomes.

### How do you put it into practice?

- Establish, communicate and follow clear and consistent steps for receiving and responding to grievances
- Ensure that grievances can be received anonymously and, or confidentially
- Communicate all progress to the user regularly and transparently throughout each stages of the grievance process

## Equitable

### What does this mean for the human rights grievance mechanism?

Users must be treated equally and be able to access the information, advice and expertise necessary to engage in a process that is fair, informed and respectful.

### How do you put it into practice?

- Provide all necessary information, advice and expertise to users intending to lodge a complaint in a way that is understandable (e.g. information about the grievance process is simple and clear and, or available in different languages)
- Treat all users with dignity and respect irrespective of their position, status, the nature of the grievance or any other identities
- Consider an independent third party moderator to mitigate power imbalances

## Transparent

### What does this mean for the human rights grievance mechanism?

Relevant stakeholders are informed about the process and have sufficient information about how effective the outcomes of the mechanisms are.

### How do you put it into practice?

- Communicate the processes, timelines and possible outcomes of a grievance to users in a regular and timely manner
- Set clear policies and expectations for public disclosure that respect the user's confidentiality
- Publicly disclose trends in grievances and underlying structural issues
- Be transparent around performance to help build confidence in the mechanism's effectiveness

## Rights compatible

### What does this mean for the human rights grievance mechanism?

The outcomes and remedies of a mechanism must be in line with international human rights standards.

#### How do you put it into practice?

- Ensure human rights grievance mechanisms are aligned with the [UNGPs](#) effectiveness criteria and with existing business or industry codes of conduct, and involve human rights experts in the development of human rights grievance mechanisms
- Establish safeguards to protect the user against retaliation and establish check-ins with workers as part of the process to ensure safeguards have been followed
- Where a remedy is appropriate, participate proactively in providing the remedy and connecting the intended user to support
- Offer users the ability to appeal outcomes

## Source of continuous learning

### What does this mean for the human rights grievance mechanism?

Learnings from grievances need to be applied to improve the performance of the mechanism and prevent future grievances and harm.

#### How do you put it into practice?

- Maintain a grievance register to track grievances, processing procedures and outcomes
- Seek regular feedback from users about the effectiveness of human rights grievance mechanisms
- Integrate lessons from feedback, internal reviews and identified modern slavery trends to improve the mechanism as well as modern slavery prevention and mitigation strategies

## Based on dialogue & engagement

### What does this mean for the human rights grievance mechanism?

Relevant stakeholders, and especially users, need to be included in the design, implementation and review of mechanisms, and the focus needs to be on a dialogue model of engagement as the means to address and resolve grievances.

#### How do you put it into practice?

- Ensure ongoing engagement and dialogue between your business and relevant stakeholders
- Ensure all suppliers and people in the value chain are trained on the existence and use of the human rights grievance mechanism
- Engage with rights-holders and their representatives to help build worker trust and stay informed about workers' issues (e.g. trade unions, NGOs), including consulting with users about existing or local methods for resolving grievances and where possible integrating these practices into your human rights grievance mechanism



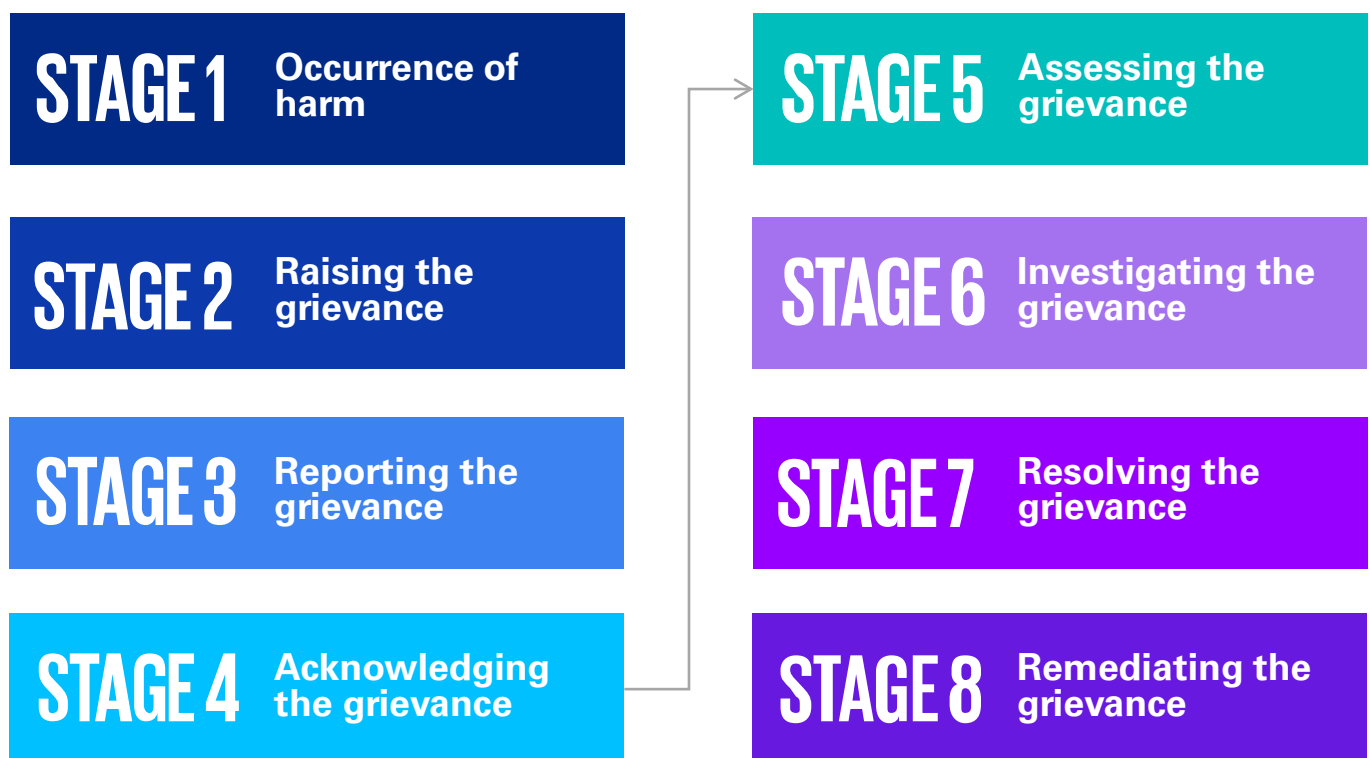
## 3.2. How do human rights grievance mechanisms work in practice?

Regardless of which type of human rights grievance mechanism is used, each follows a similar process, as set out in Figure 4 below.

Remember, it is not enough to simply have a grievance mechanism in place. You should check it against the effectiveness criteria ([part 3.1 of this Guide](#)) to ensure it is fit for your business purpose(s).

Figure 5 ([following page](#)) provides an overview of the stages of the human rights grievance process in action, from when a grievance has occurred to when it is effectively resolved, including some of the different options for human rights grievance mechanisms that can be used, along with some aspects of good practice.

**Figure 4: The grievance process**



**Figure 5: The grievance process in action**



Figure 5 has been adapted from IPECA's, *Worker grievance mechanisms: Guidance document for the oil and gas industry*.

### 3.3. What are examples of workers using human rights grievance mechanisms in practice?

**Example 1: Paulo: forced labour** (see [case study 1](#))

- Paulo has moved to Australia to access greater opportunities for work in construction;
- The labour hire company he works for has not paid him for the last six weeks and threatened him with deportation if he speaks up; and
- Paulo has limited English language skills.

**Human rights grievance mechanisms used**

- ✓ Informal discussion with supervisor
- ✓ Trade union support
- ✓ Internal hotline
- ✓ Company code of conduct



### 3.3. Examples of workers using human rights grievance mechanisms in practice

#### Example 2: Sanjana: deceptive recruitment and debt bondage (see [case study 2](#))

- Sanjana has been deceived into debt bondage as a cleaner through a labour-hire agency;
- She does not want to do anything about it due to the fear of losing her job; and
- Her labour-hire employer and her on-site manager, the client, continually defers responsibility about her wellbeing.

#### Human rights grievance mechanisms used

- ✓ Worker forums
- ✓ Whistleblower tool run by third party provider
- ✓ Certification body
- ✓ Worker voice platforms



Figure 7: Sanjana’s experience using an external human rights grievance mechanism



# 04 Listening to workers and suppliers about modern slavery risks

## 4.1. Which human rights grievance mechanisms should your business adopt?

When it comes to human rights grievance mechanisms, there is no one-size-fits-all approach.

Every business should weigh up the different types of human rights grievance mechanisms explored in this Guide ([pages 11 to 12](#)), to develop mechanisms that are tailored to their business' specific context and needs. Not every property and construction business will take the same approach. Nevertheless, there are clear steps that ensure mechanisms are effective ([pages 14 to 16](#)).

There are a number of key factors to consider when deciding which grievance mechanisms are most suitable for your business to adopt or implement, including the:

- Size of your business and workforce;
- Complexity of your supply chain (including whether it is domestic and/or international);
- Risk factors that have been identified as increasing your potential exposure to modern slavery; and
- Views of your workers – what do they prefer and need?

There may be more than one option that is right for you, and you may wish to use a combination of human rights grievance mechanisms. Consider how they will interact, if there is potential for conflict or complementarity between multiple mechanisms.

Continually monitoring, assessing and auditing your human rights grievance mechanisms over time will ensure they remain fit for purpose.



## 4.2. How to incorporate worker voice?

The key challenges with any grievance mechanism is to build knowledge and awareness of the mechanism, through sharing information, and ensure the utility of the mechanism, through building trust and confidence. This can be addressed through incorporating worker voice.

### Worker voice

'Worker voice' refers to the inclusion and active participation of workers in the decision-making processes that affect them.

The effectiveness criteria puts worker voice at the heart of a human rights grievance mechanism. Applying the effectiveness criteria requires businesses to establish procedures that are accessible and adaptable to the culture of the workplace and the workers.

### Trust takes time

Trust between businesses and workers is built over time. Listening to workers' voices is key to beginning to build this trust.

As a business, it is important to listen to the voices of your workers. Workers help to run your business' activities and are impacted by them every day. It is your responsibility to provide workplaces that are safe, respectful and free of exploitation and harm. Human rights grievance mechanisms are critical to businesses meeting this responsibility.

## CASE STUDY

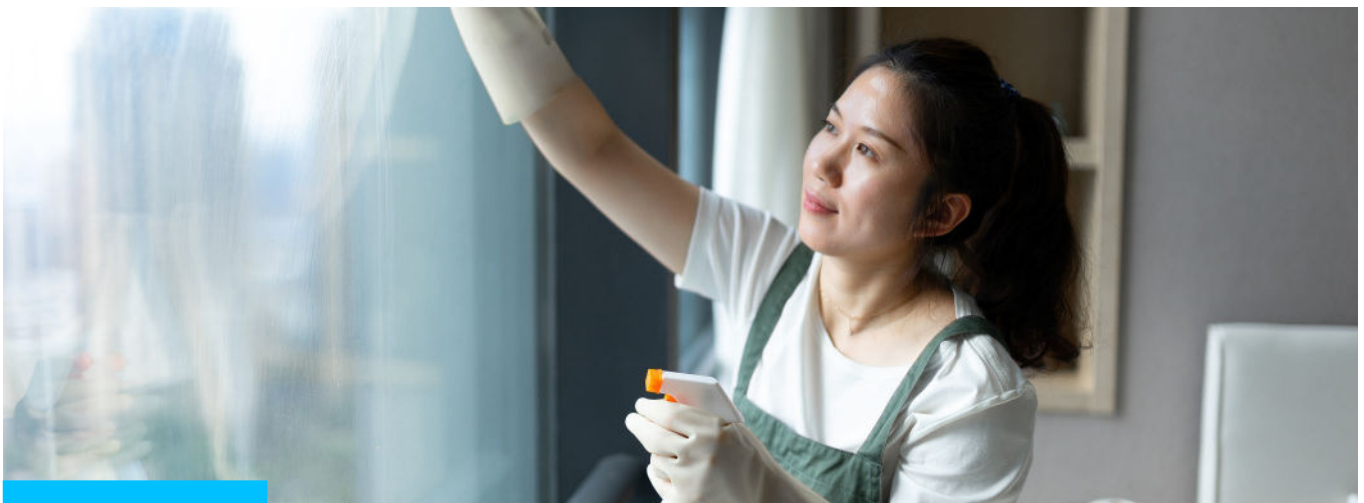
### 03: Kim: retaliation

Kim is a cleaner for a property company. Her manager always strongly encourages her to come in to work fifteen minutes before her shift to prepare for the day. Kim is also often the last to leave her workplace at night. She has never been paid for this overtime. She is concerned about her excessive work hours and asks a colleague what to do.

Her colleague reminds Kim that their workplace uses a worker's voice platform to monitor working conditions and enable staff and contractors to report concerns. Kim is relieved that she can use this service anonymously, because she is afraid that if confronted, her manager will just fire her.

**Kim is able to avoid retaliation after raising her grievance about modern slavery, due to the company's choice of worker's voice platform. The choice of grievance mechanism can play a role in contributing to building trust in the workplace because users feel safer expressing their concerns.**

***How does your company's human rights grievance mechanism help build trust and protect against retaliation?***



## 4.3. What are the common misconceptions about human rights grievance mechanisms?

There are some common misconceptions held by all stakeholders of human rights grievance mechanisms. This section will help you understand and overcome some of these challenges, to better incorporate a worker voice and provide even more effective human rights grievance mechanisms.

### **Myth 1: Human rights grievance mechanisms do not add value to your business because they are resource-intensive**

Operational human rights grievance mechanisms are considered good practice in support of the [UNGPs](#). They enhance the dialogue between a business and its stakeholders to start and facilitate continued conversations about how to create more fair, favourable and just workplaces. The cost of human rights grievance mechanisms is actually an investment in the management and reduction of risk and harm.

### **Myth 2: Human rights grievance mechanisms are only for employees**

Effective human rights grievance mechanisms should be accessible to all aggrieved rights-holders of a business, including employees, suppliers, contractors, and external stakeholders.

### **Myth 3: Human rights grievance mechanisms attract complaints and negatively affect a business' reputation**

Human rights grievance mechanisms allow businesses to listen to their workers and other stakeholders who may be impacted by the business' activities. It is an opportunity to understand and address human rights issues such as modern slavery, as well as grow from the lessons learned to prevent harm in the future.

### **Myth 4: The lower the number of complaints via the human rights grievance mechanism, the better**

If a human rights grievance mechanism exists but receives few to no grievances, it may be a result of a lack of accessibility and trust in the mechanism. Unequal power relations can exist in your workplace, so trust must be developed over time (see [page 22](#)). Revisit [page 14](#) to read more about good practices helping to develop legitimate and accessible human rights grievance mechanisms that are trusted by your intended users.

### **Myth 5: Having one or two different forms of grievance channels is enough to satisfy accessibility**

Accessibility means that a business not only has a human rights grievance mechanism in place, but that it takes steps to ensure users know how to use it and trust they can safely do so. This involves a business providing educational material, assistance and support to its intended users on how to access the mechanism and how safety and confidentiality will be protected.

## CASE STUDY

### 04: Greg: preventing harm

Greg works as a supervisor on a construction site. He notices some worrying signs that are potential indicators of modern slavery. He is not sure whether the contractors are operating in compliance with the business's code of conduct. He decides to use the company's in-house code of conduct 'speak up' hotline to report his concerns.

Greg is later informed that his concerns were investigated. Whilst it was found there was no breach of the code of conduct, some further training and awareness raising about company procedures and policies were needed.

**As a result of Greg using the company's human rights grievance mechanism, the company was able to review its procedures and implement some necessary training and awareness raising, ensuring future problems are averted.**

***How can your company's human rights grievance mechanisms be used to proactively prevent human rights and modern slavery concerns?***

## 4.4. What are your next steps?

To begin considering potential or reviewing existing human rights grievance mechanisms for your workplace, this Guide recommends taking the following steps:

1. Brainstorm a SMART purpose (that is specific, measurable, achievable, relevant and timebound) for your human rights grievance mechanism.
2. Research what human rights grievance mechanisms already operate in your sector of the property and construction industry.
3. Conduct an assessment of your business activities to build a foundational knowledge of what effective and accessible human rights grievance mechanisms mean for your workplace (see [page 21](#)).
4. Collaborate with other stakeholders, such as the intended users of your human rights grievance mechanism, trade unions or industry guidelines, to help deepen your understanding of what effective, accessible and multi-stakeholder human rights grievance mechanisms mean for your workplace (see [page 13](#)).
5. Consider all the different forms and types of human rights grievance mechanisms to decide which one(s) are most fit for your business' SMART purpose (see pages [10 to 12](#)).
6. Design your human rights grievance mechanism(s) using the eight effectiveness criteria from the [UNGPs](#) (see pages [14 to 16](#)).
7. Trial and promote your human rights grievance mechanism(s) to all stakeholders who could be affected by your business activities, including employees, employers and other external stakeholders.
8. Collect and implement feedback about your human rights grievance mechanism(s) to help continuously improve its performance.
9. Transparently report on the effectiveness of your human rights grievance mechanism(s) to help build confidence and trust in it.
10. Repeat steps 1 to 9 regularly.

### CASE STUDY

#### 05: Alyssa: trust

Alyssa is a cleaner for a crew that sub-contracts to one of the biggest property companies in Australia. She works on multiple sites and across different shift times. Alyssa is one of the few people of her nationality in the cleaning crew – the rest are all the same nationality as the supervisor.

Her supervisor gives all the best shifts in the best locations to those he knows from his community. On any day, Alyssa can be allocated shifts in locations that take hours to travel to. She's been asking for more regular shifts at the one location, but the supervisor tells her she's lucky to get what she's given and implies he's well known in the industry so his views count.

Alyssa doesn't know how to get help as she fears she'll lose her job and not be hired again on any work site. The company that contracts her cleaning crew are oblivious to these issues, as the supervisor assures the company all the workers are happy.

The company that owns the property organises for a workers forum for a wide variety of cleaning staff from across different sites. Alyssa participates and when she hears others mention similar problems, she feels empowered to raise her concerns as part of the discussion. She can do this without identifying her particular supervisor.

**The workers forum provides a space to identify systemic issues, as together workers experiencing similar concerns feel empowered to speak up. The property company is then able to discuss these issues with the cleaning company, and get the bottom of the matter, improving conditions for all workers.**

***How can your business implement different ways to listen to workers, build trust over time, and collaborate with other stakeholders to do so?***



## 5. Further Resources

### Property Council of Australia

Phone: +61 (0)2 9033 1900

Email: [info@propertycouncil.com.au](mailto:info@propertycouncil.com.au)

### Australian Human Rights Commission and KPMG

*Property, construction & modern slavery: Practical responses for managing risk to people:*

<https://home.kpmg/au/en/home/insights/2020/08/property-construction-modern-slavery-practical-guide.html>

### United Nations Global Compact Australia

*Implementing effective modern slavery grievance mechanisms:*

[https://unglobalcompact.org.au/wp-content/uploads/2021/03/4261-UNGC-Grievance-Mechanisms-GUIDANCE-DOC\\_28pp-9-FA.pdf](https://unglobalcompact.org.au/wp-content/uploads/2021/03/4261-UNGC-Grievance-Mechanisms-GUIDANCE-DOC_28pp-9-FA.pdf)

### United Nations Guiding Principles on Business and Human Rights

*Guiding Principles on Business and Human Rights:*

[https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf)

### United Nations Working Group on Business and Human Rights

Website: <https://www.ohchr.org/en/special-procedures/wg-business>

### Anti-Slavery Australia

Website: <https://antislavery.org.au/modern-slavery/>

### Australian Building and Construction Commission

Website: <https://www.abcc.gov.au/>

Anonymous reporting: [www.abcc.gov.au/contact/anonymous-reporting-form](http://www.abcc.gov.au/contact/anonymous-reporting-form)

### Supply Chain Sustainability School Australia and New Zealand

Website: [www.supplychainschool.org.au](http://www.supplychainschool.org.au)

### Cleaning Accountability Framework

Website: [www.cleaningaccountability.org.au](http://www.cleaningaccountability.org.au)



# Contact us

## KPMG Banarra

### Human Rights and Social Impact Services

International Towers Sydney 3  
300 Barangaroo Avenue  
Sydney NSW 2000 Australia

**Email:** [humanrights@kpmg.com.au](mailto:humanrights@kpmg.com.au)

**KPMG.com.au**

## Property Council of Australia

### Modern Slavery Working Group & Supplier Platform

Level 1  
11 Barrack Street,  
Sydney NSW 2000

**Email:** [info@propertycouncil.com.au](mailto:info@propertycouncil.com.au)

**PropertyCouncil.com.au**

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