



AusLSA

Modern Slavery Co-Lab

AUSTRALIAN
LEGAL SECTOR

ALLIANCE

The AusLSA Modern Slavery Co-Lab Workshop 6 February 2024



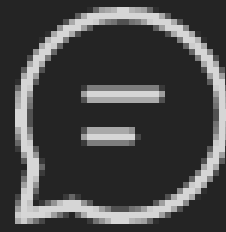
Acknowledgement of Country

In the spirit of reconciliation, we begin today by acknowledging the traditional custodians of all the lands from which we join today's workshop. We and recognise the continuation of the cultural, spiritual and educational connection that Aboriginal and Torres Strait Islander peoples have to their lands.

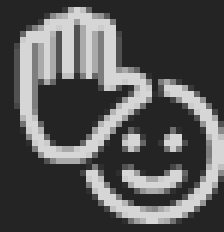
We pay our respects to their elders past and present and extend a special welcome to Aboriginal and Torres Strait Islander peoples joining with us today.

Objectives - reminder

1. Build relationships and share experiences with other AusLSA member modern slavery practitioners.
2. Provide information, advice, case studies and potential solutions to address key issues to improve the impact of modern slavery programs.
3. Consider the ongoing issues and challenges and develop longer-term approaches to work on them together.



Chat



Reactions





Facilitator:

**Robin Mellon,
CEO – Better Sydney**

**Board Member,
UN Global Compact
Network Australia**

THE CHATHAM HOUSE RULE – ROBIN

A reminder that, under the ‘Chatham House Rule’, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

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GUIDELINES AROUND ANTI-COMPETITIVE PRACTICE

- i. “The Australian Legal Sector Alliance and Co-Lab representatives are committed to ensuring that its operations, initiatives, working groups and meetings are conducted in compliance with Australian competition laws.*
- ii. The Australian Legal Sector Alliance and Co-Lab representatives must not disclose or elicit disclosure of any competitively sensitive information relating to their organisations, such as current or future pricing or procurement, and must not discuss whether to acquire or not acquire goods or services from a particular supplier with another Co-Lab member nor enter into any form of arrangement to do so.*
- iii. The Australian Legal Sector Alliance and Co-Lab representatives should make their decisions on whether to use a supplier independently of, and without discussion with, other Co-Lab members, and should not discuss actions that their organisation may take independently to address issues considered, or to address issues identified with specific suppliers.*
- iv. The Australian Legal Sector Alliance and Co-Lab representatives should not discuss or agree on the terms of a Co-Lab member’s supplier arrangements or agreements and should not discuss a supplier’s information with another member.*
- v. Nothing discussed or disclosed, and no recommendation or decision, is intended to affect competition between The Australian Legal Sector Alliance and Co-Lab representatives in any way.*
- vi. No decision, arrangement or commitment will be reached as to the adoption or non-adoption of any recommendations, or any other co-ordination or common approach without legal advice, and any regulatory approvals that may be required, being obtained.”*

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WHAT WE'RE GOING TO COVER - ROBIN

1. Context, Acknowledgement, Objectives and Introduction (Richard)
2. Reminder of challenges faced across Co-Lab participants (Robin)
3. Complexities of modern supply chains (Robin)
4. Supply chain engagement – human rights and other topics (Robin)
5. Example: Supply chains and corporate Scope 3 emissions (Robin)
6. Guest Speaker: Dr Medo Pournader, University of Melbourne
7. Building supplier awareness – key topics and indicators (Robin)
8. Better supplier engagement, and the 'Pathway' (Robin and All)
9. Question and Answer time (All)

REMINDER: PARTICIPANTS' CHALLENGES

At the first workshop in May 2023, we introduced ourselves with:

1. Names and roles of representatives attending
2. Where you've got to with your modern slavery initiatives
3. Your most significant modern slavery challenge in the next 12 months.

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CHALLENGES IDENTIFIED AROUND THE GROUP

- Making best use of leverage, especially around high-risk / low-volume suppliers
- The resources available to dedicate to modern slavery initiatives
- Different regulatory perspectives across international jurisdictions
- Distributing supplier assessment questionnaires (SAQs) to all suppliers
- How to assess modern slavery risks in Tier 2 of supply chains and beyond
- Keeping abreast of training and education in this space
- Getting (adequate) responses from suppliers about modern slavery issues
- Achieving a collective legal sector response from suppliers
- How to work with smaller suppliers without a Modern Slavery Statement
- Where to start and how to prioritise approaches and resources
- How to educate and work with smaller and mid-size suppliers around risk
- Changing government approaches and the potential for templates
- Integrating different reporting mechanisms across ESG metrics
- Capturing progress and 'continuous improvements' over time
- Differences in roles between partners and suppliers (legal, risk, procurement etc.)

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MODERN SLAVERY LEGISLATION WORLDWIDE

Three main types of human rights and modern slavery legislation:

- **Trade-led** (i.e. US bans, Magnitsky sanctions etc.)
- **Due diligence-based** (i.e. Dodd Frank, French, Dutch, German, EU)
- **Transparency-focused*** (i.e. UK, Australia, EU, Canada etc.)

*These last ones depend on proper disclosure regimes.

All three of these rely on elements of supplier engagement.

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COMPLEXITIES OF TODAY'S SUPPLY CHAINS

- Changing customer or client expectations
- Increasing legislation and requirements (i.e. due diligence, reporting)
- Network complexity (i.e. dependence on suppliers, increased tiers)
- Process Complexity (i.e. internal, upstream, downstream processes)
- Product complexity (may be less relevant to the legal sector)
- Customer Complexity (i.e. customised and varying offerings)
- Supplier Complexity (i.e. distant and increased relationships)
- Inventory across multiple parties (may be less relevant here)

DISCUSSION QUESTION

What approach to supplier engagement and assessment do you use?

- Online / cloud-based technology platform (i.e. Fair Supply)
- Supplier assessment approach (i.e. Informed 365)
- Under development
- None at this time

[Please come off mute, or write in the Chat box]

SUPPLY CHAIN ENGAGEMENT

Human rights, modern slavery and other topics

Over the last few years, there has been a rapid increase in companies engaging with their suppliers (and Tier 2 suppliers where possible) around the following key topics:

- Human rights and modern slavery
- Energy, Greenhouse Gas and Scope 3 emissions
- Materials use, recycling rates and circular economy
- Gender, diversity and inclusion
- Indigenous and social procurement

SUPPLY CHAIN ENGAGEMENT

Key issues

The primary reasons have been:

- Do suppliers have a basic understanding of key issues?
- Are they taking any action on these issues?
- What help might they need to improve?
- What metrics are they using to measure and evolve?
- How might collaboration increase success?



"Partnering with the Supply Chain Sustainability School to achieve UN Sustainable Development Goal 8.7, the eradication of modern slavery, is essential."

Australian Catholic Anti-Slavery Network (ACAN)

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Search All Learning





Don't fall behind the times. Move forward, faster.

History has taught us that the leaders who succeed are the ones who meet the needs of the future by moving forward. To achieve the Sustainable Development Goals by 2030, we need forward thinkers, doers, builders, changers, movers, leaders. Because right now, only 15% of the SDGs are on track for 2030. We must be more ambitious.

TAKE ACTION

5 areas of action

Ambitious corporate action starts here. These 5 areas of action have been selected because they have the power to accelerate progress across all 17 Sustainable Development Goals

DISCUSSION QUESTION

When you engage with suppliers (i.e. cloud-based platforms or supplier assessments) are you engaging around single issues?

- Yes, single issues (i.e. modern slavery risk, Scope 3)
- Multiple, related issues (i.e. ESG metrics all together)
- Under development
- None at this time

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SUPPLIER ASSESSMENT DATA

Property Council Supplier Platform powered by Informed 365

Supplier assessment data can show us five key things:

1. Individual supplier risks – practices, processes, knowledge
2. Trends and patterns – what suppliers do, know, and need
3. Where risks may lie – by country, sector, industry, material etc.
4. Changes over time – year-on-year variations or effectiveness
5. What learning resources, actions or initiatives are needed

BOND UNIVERSITY and INFORMED 365 RESEARCH

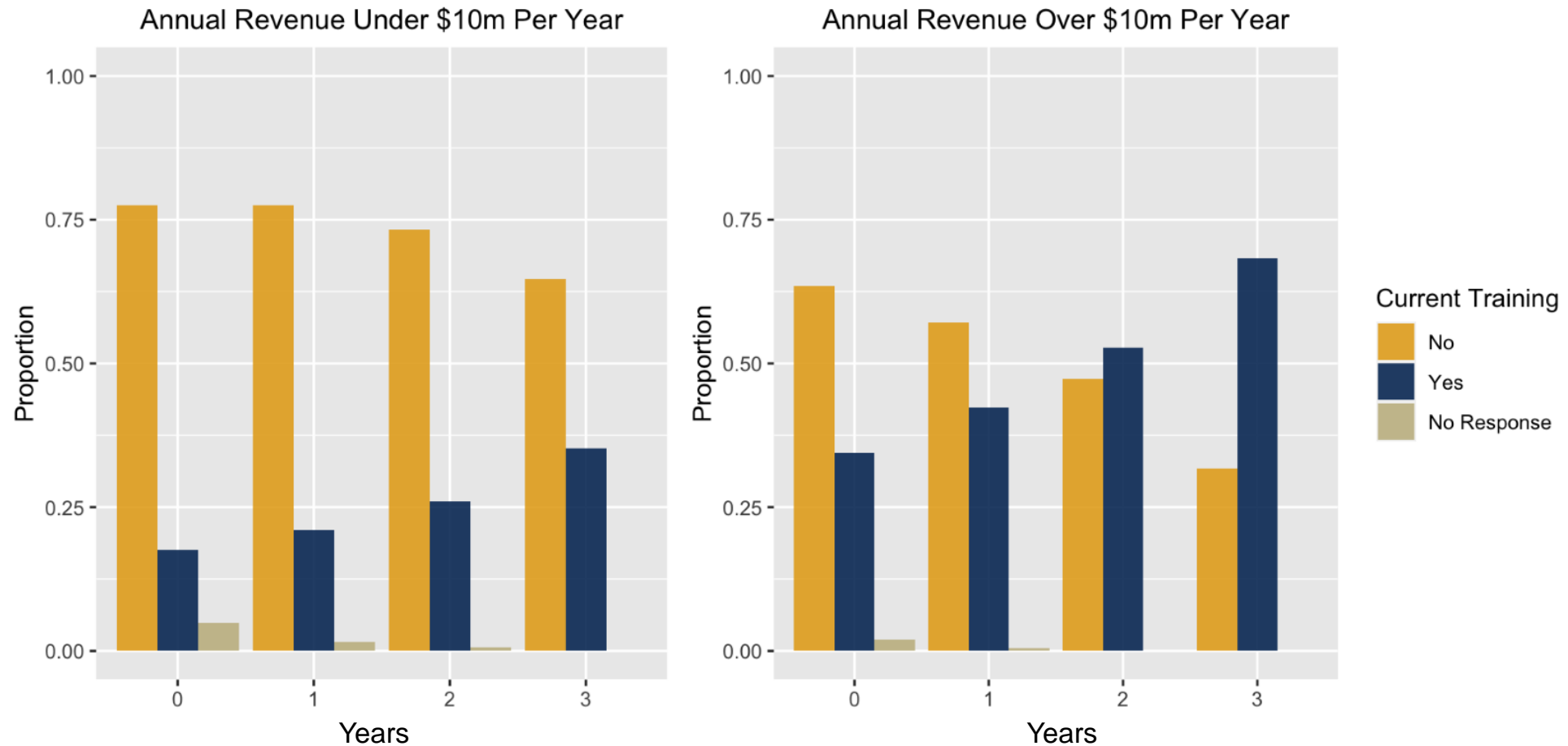
- ✓ Data from January 2020 - September 2022 (across 3 years)
- ✓ 4,365 survey responses from 2,182 suppliers
- ✓ Suppliers to 43 Property Council supplier platform members
- ✓ 97% of suppliers are Australian-based

Research prepared by Bond University researchers:

- Professor Adrian Gepp
- Professor Kuldeep Kumar
- Mr Braedan van der Vegt
- Mr Isaac Tonkin

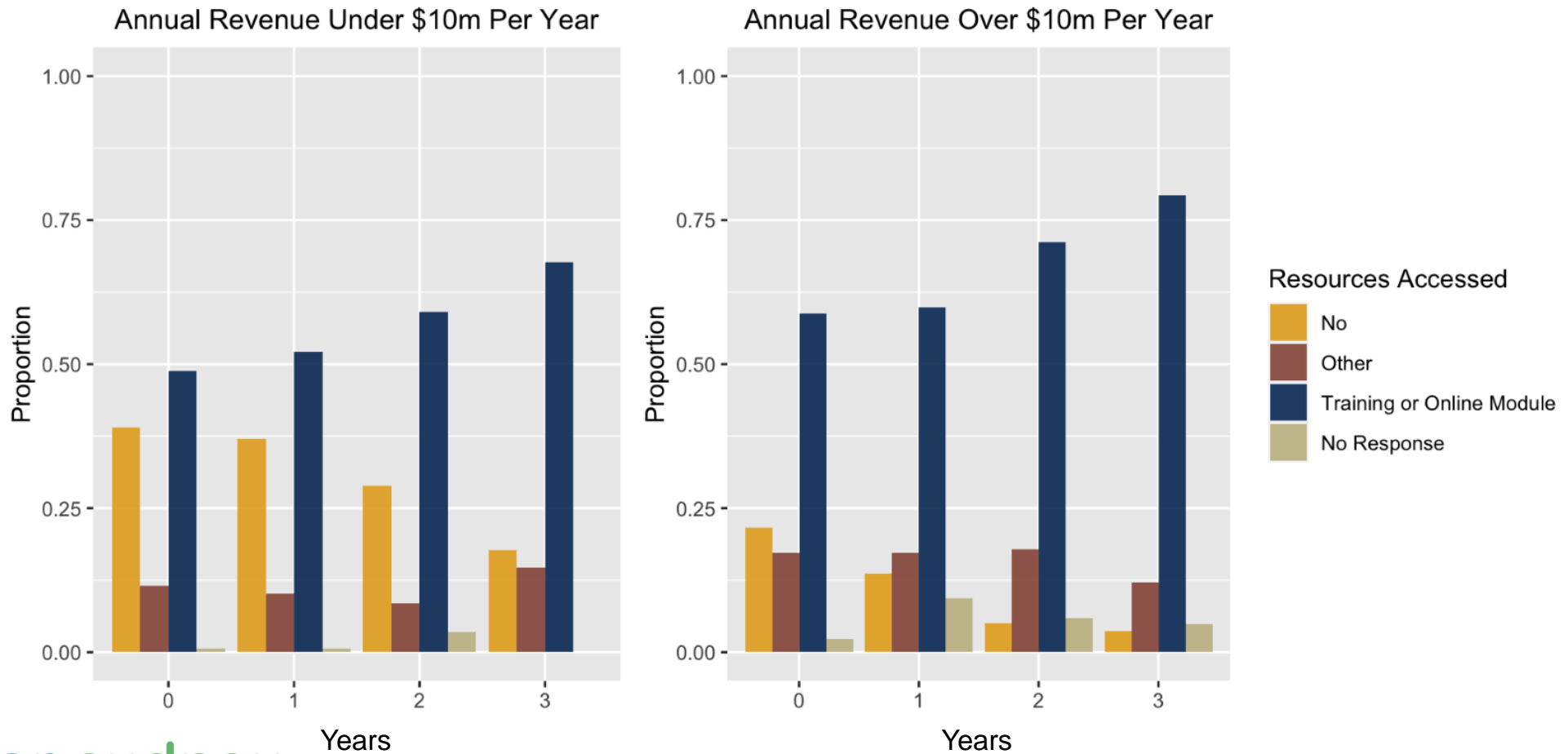
IMPLEMENTATION OF MODERN SLAVERY TRAINING

Ongoing Current Relevant Training in Place?



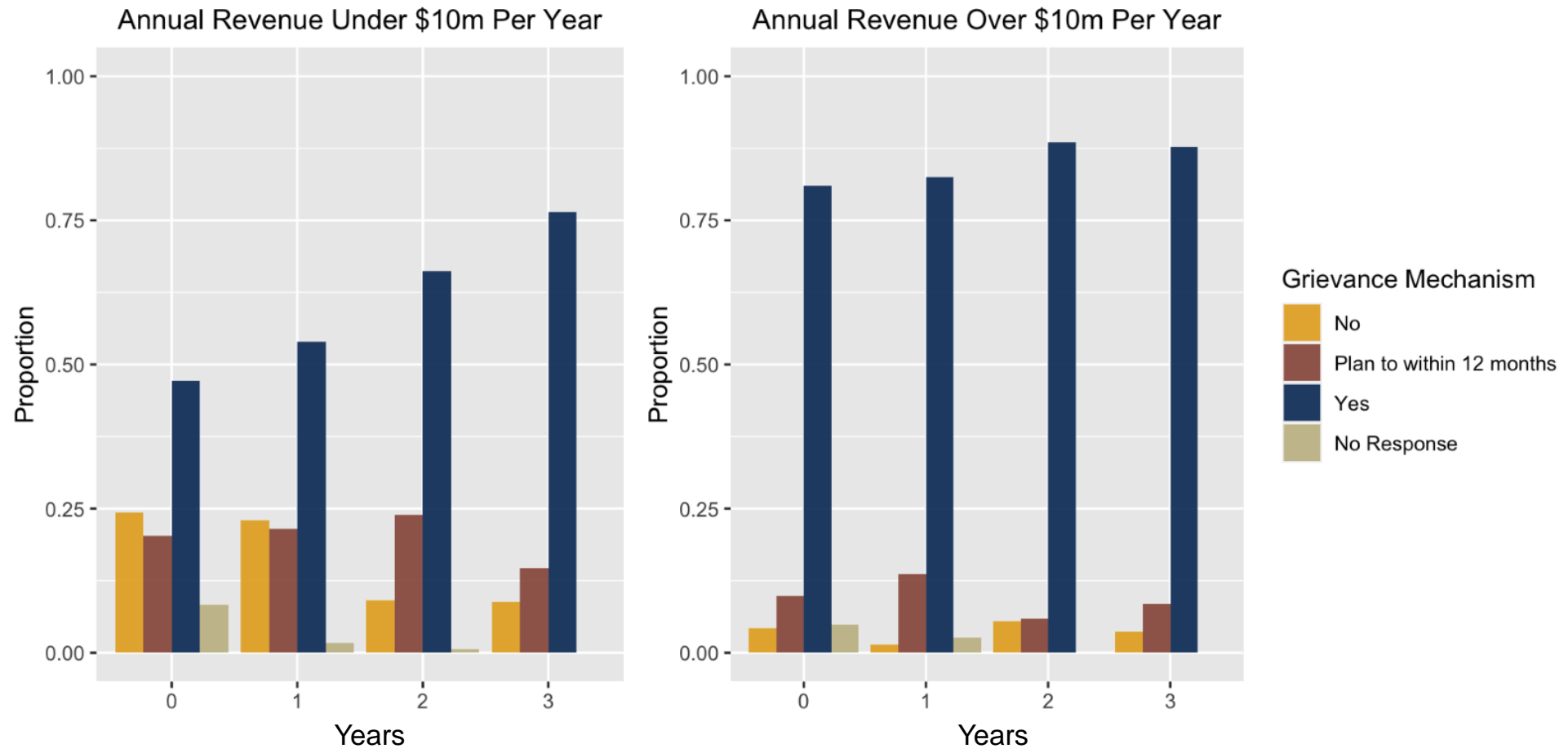
USE OF MODERN SLAVERY TRAINING RESOURCES

Resources Accessed to Raise Awareness

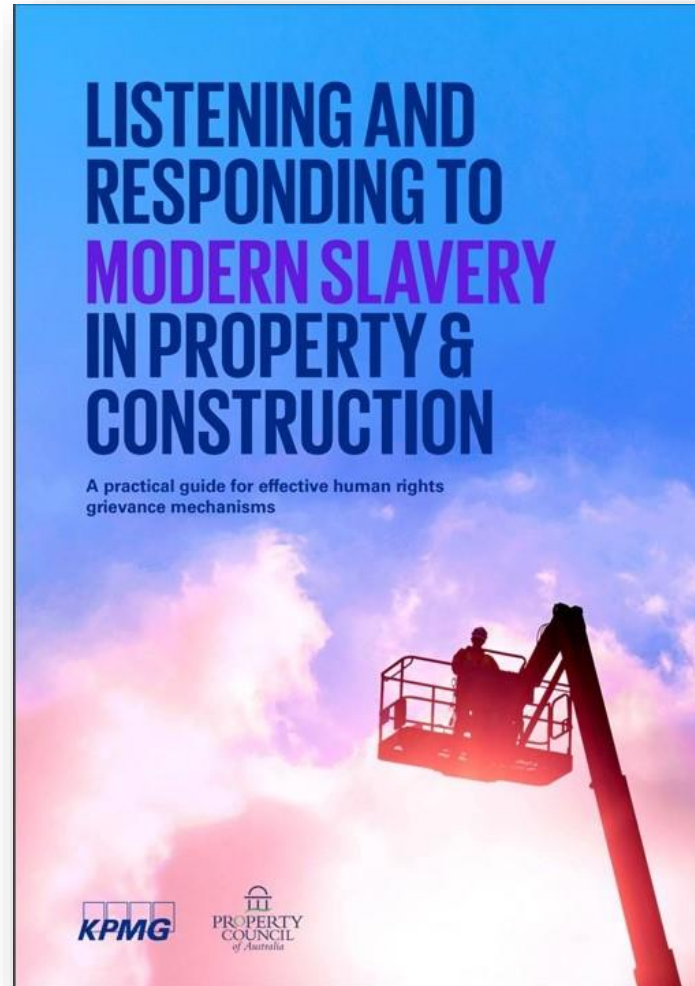


USE OF GRIEVANCE MECHANISMS

Is there a grievance mechanism in place?



USE OF GRIEVANCE MECHANISMS – RESPONSE

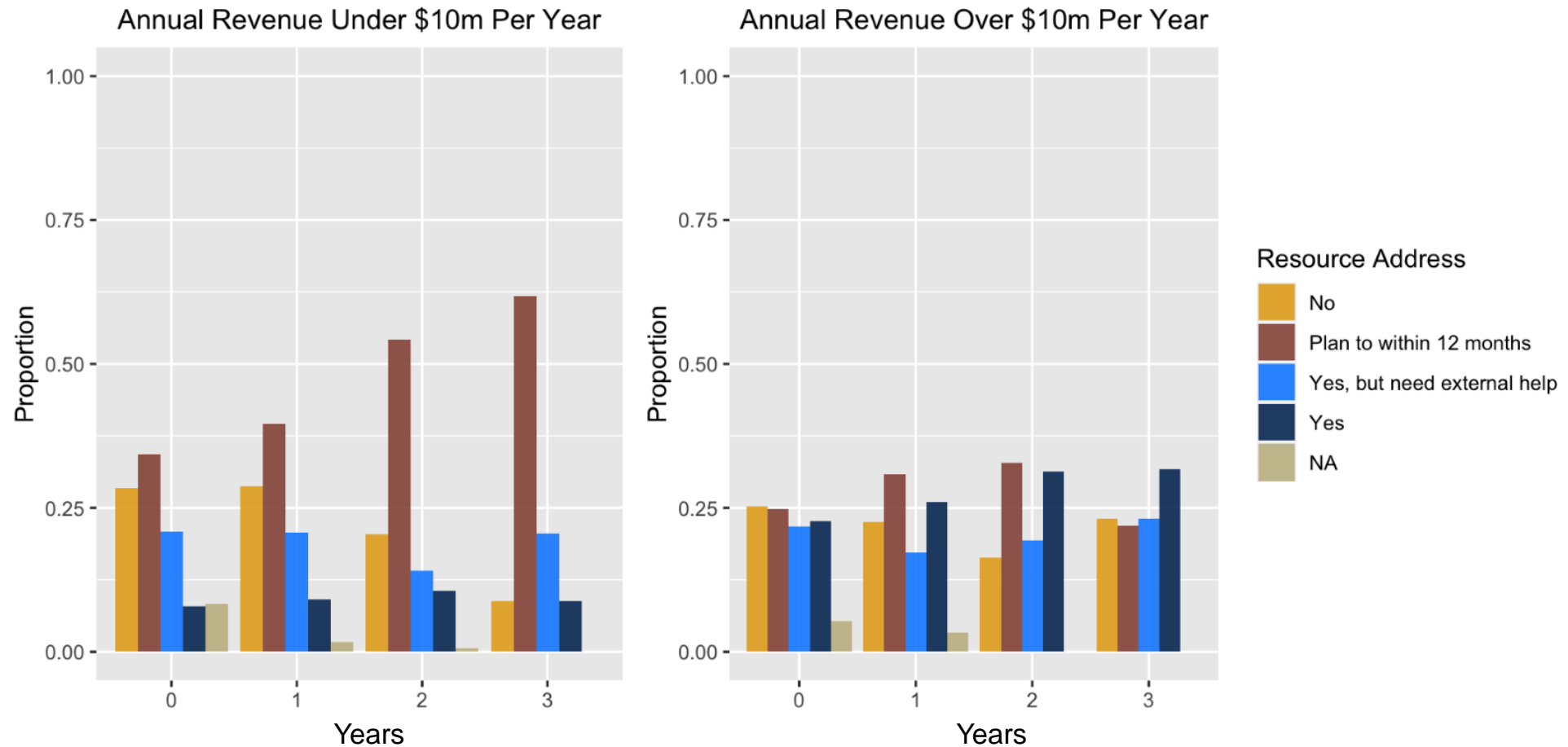


be++er sydney

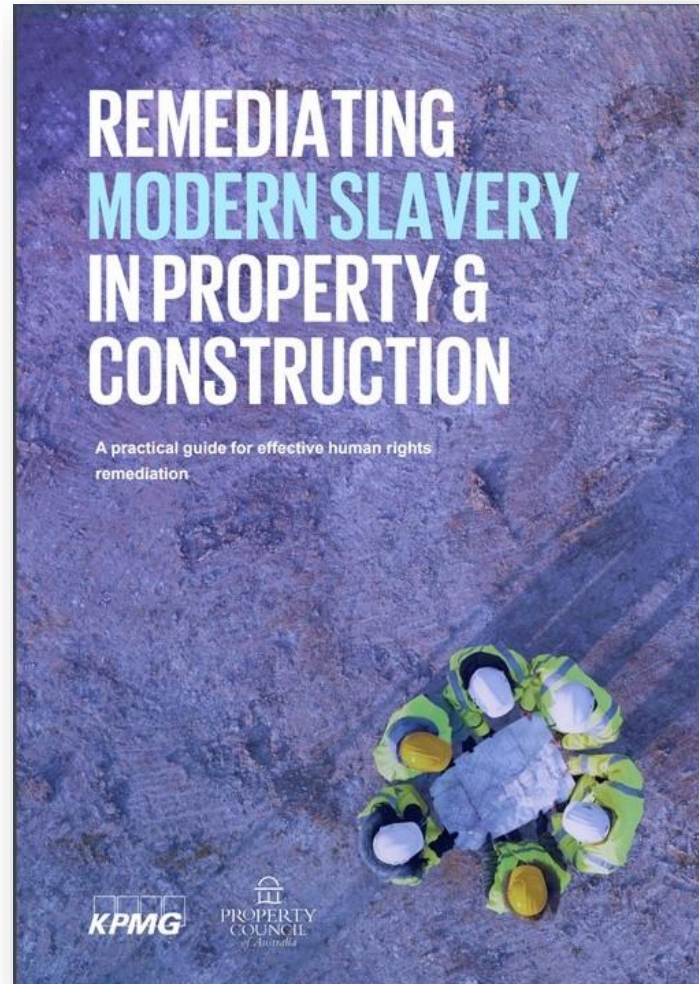
+ building + community + sustainability +

USE OF REMEDIATION PROCESSES

Enough Resources to Develop Remediation Process?



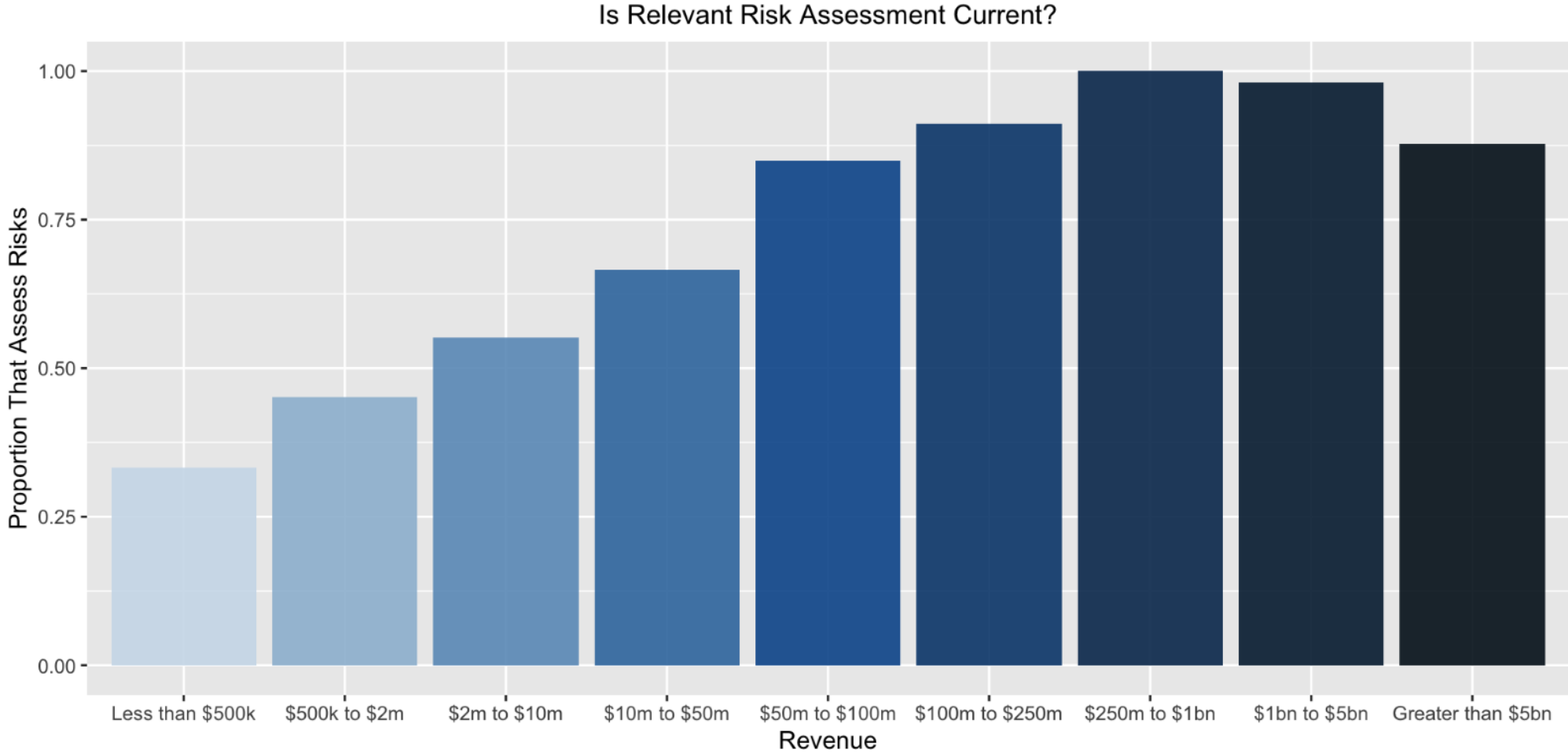
USE OF REMEDIATION PROCESSES – RESPONSE



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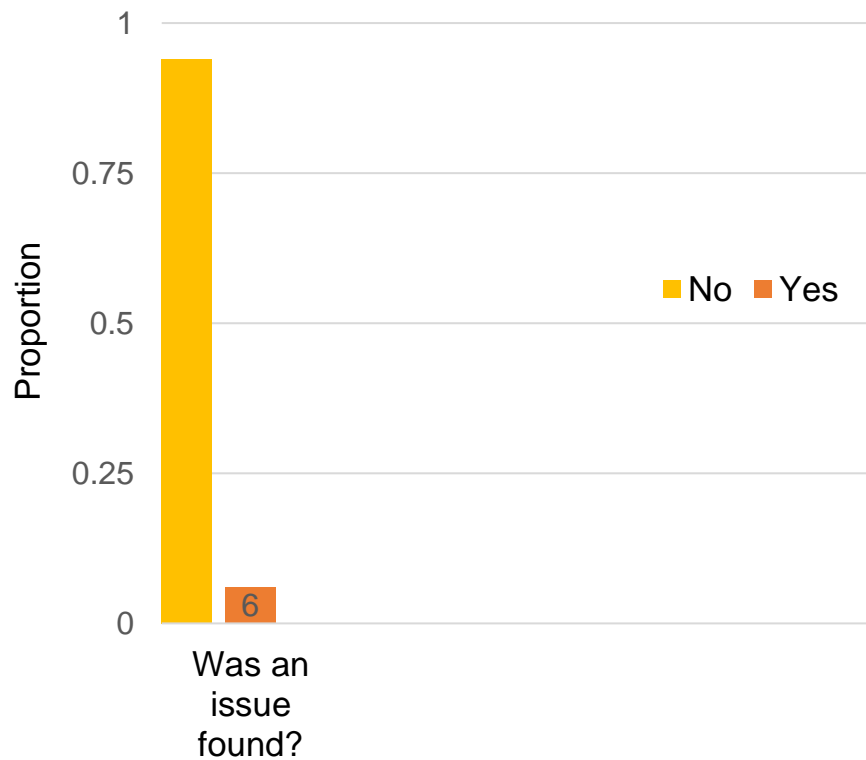
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SUPPLIERS ASSESSING MODERN SLAVERY RISKS

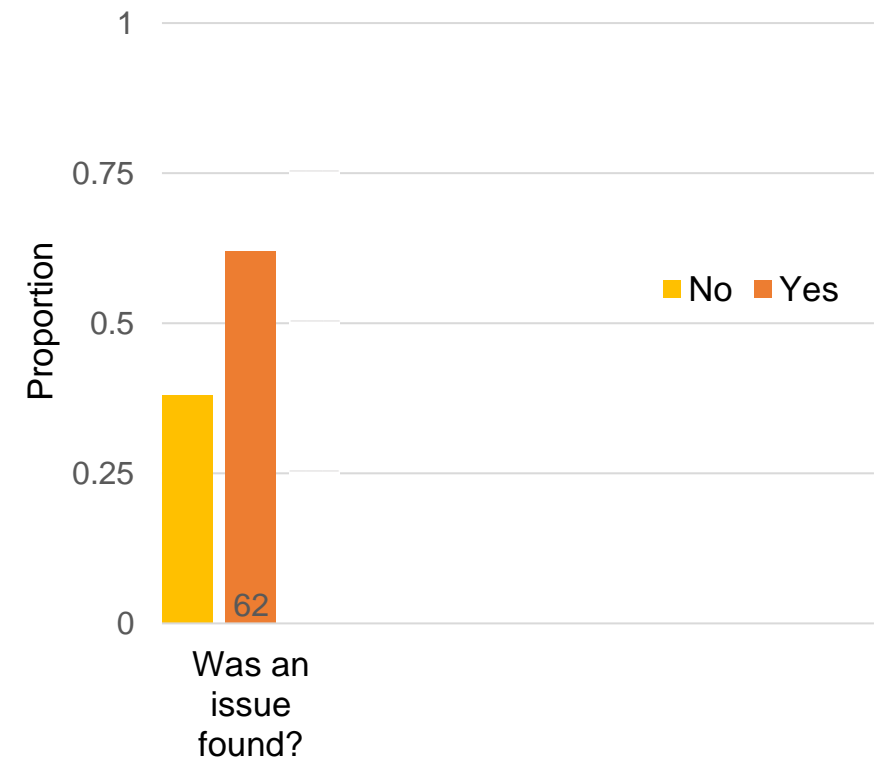


USE OF SUPPLIER AUDITS – BEYOND TIER ONE

Suppliers who did not ask their own suppliers (Tier 2 suppliers) about modern slavery risks



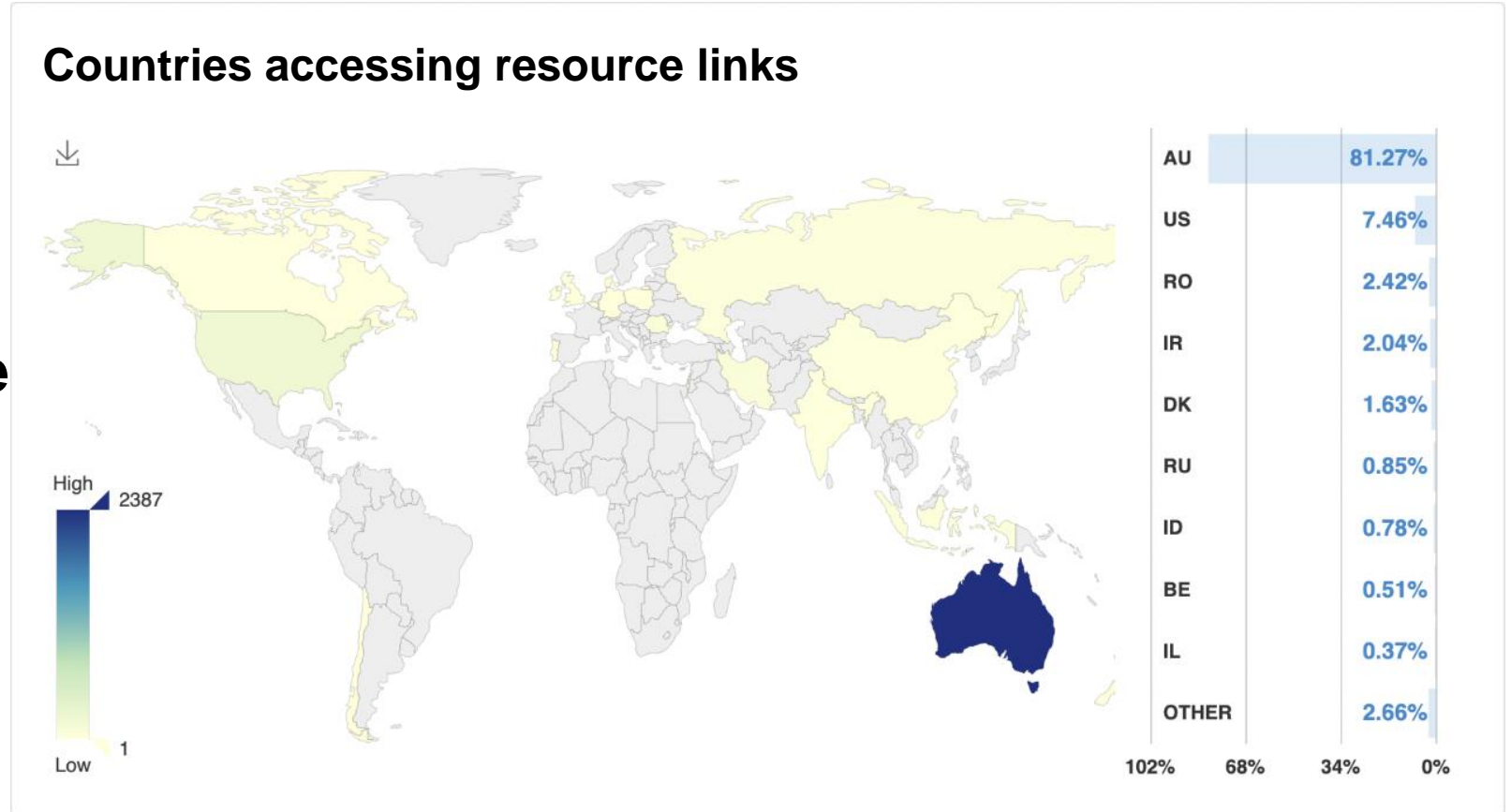
Suppliers who assessed their own suppliers (Tier 2 suppliers) for modern slavery risks



USING TECHNOLOGY TO SUPPORT SUPPLIERS

In 2022 alone:

- ✓ The **31 free learning resource links** were accessed by
- ✓ **2,387 different people** from across
- ✓ **1,191 supplier organisations**
- ✓ from Australia and around the world.



EXAMPLE: SUPPLY CHAINS AND SCOPE 3 EMISSIONS

Supply chains and corporate Scope 3 emissions

These charts, from the January 2024 Economist Impact unit, represent the state of corporate scope 3 emissions.

They look at which levers companies say that they are pulling to reduce emissions, how much impact companies expect each lever to have in reducing scope 3 emissions and how much time it will take for the impact to materialise.

The 1,250 companies surveyed in 2023, across multiple sectors around the world, showed fascinating results around engagement.

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[LINK TO RESEARCH](#)

EXAMPLE: SUPPLY CHAINS AND SCOPE 3 EMISSIONS

In general, companies undertake the majority of their scope 3 reduction initiatives under seven distinct approaches and strategies, called 'levers'.

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[LINK TO RESEARCH](#)



Customer engagement



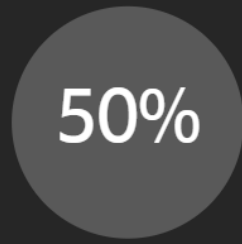
Business model innovation



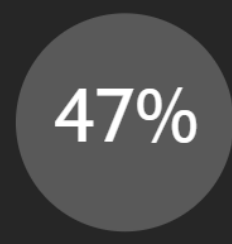
Procurement policy and choices



Operational policies



Product and service design



Investment strategy



Supplier engagement



Size - Lever uptake, calculated as the average of normalised percentage scores for each initiative within the lever

SUPPLY CHAINS AND SCOPE 3 EMISSIONS

Customer engagement and **business model innovation** are the most commonly pulled levers, with an average uptake of 55% of initiatives within each lever. **Supplier engagement** is the least-adopted lever, with companies undertaking 43% of initiatives.

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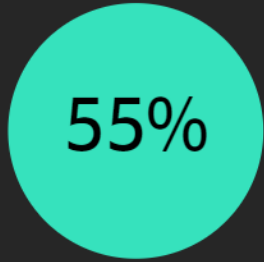
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[LINK TO RESEARCH](#)



Customer engagement



Business model innovation



Procurement policy and choices



Operational policies



Product and service design



Investment strategy



Supplier engagement



Size - Lever uptake, calculated as the average of normalised percentage scores for each initiative within the lever

SUPPLY CHAINS AND SCOPE 3 EMISSIONS

Customer engagement, business model innovation and operational policies are expected to have the fastest impact on scope 3 emissions, with reductions likely to be seen by 2025. The **product and service design** lever has medium uptake, but its impact is unlikely to be realised until after 2040.

Long-term

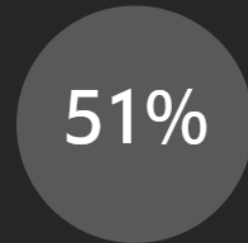


Product
and
service
design



Investment
strategy

Medium-term



Procurement
policy
and
choices

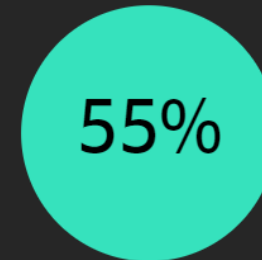


Supplier
engagement

Short-term



Customer
engagement



Business
model
innovation



Operational
policies

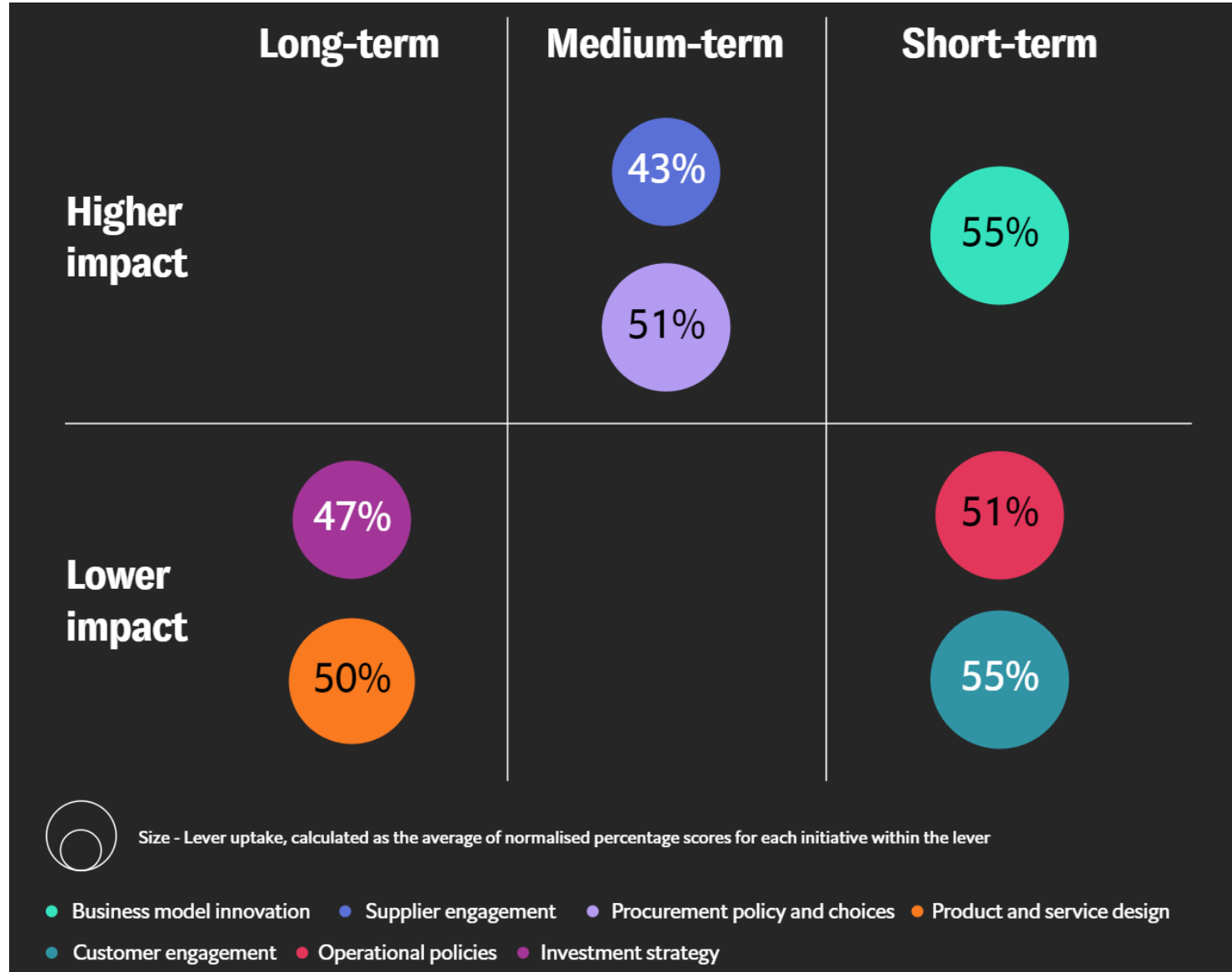


Size - Lever uptake, calculated as the average of normalised percentage scores for each initiative within the lever

SUPPLY CHAINS AND SCOPE 3 EMISSIONS

When we look at each lever's expected impact on scope 3 emissions and the time that it will take to make a difference, **business model innovation** is the only lever with both a high and fast impact. Other levers that are expected to have quick reduction in scope 3 emissions have a relatively low impact in reducing scope 3 emissions.

Supplier engagement has the highest impact in the medium term.



SUPPLIER ENGAGEMENT INITIATIVES

Under the Economist Impact research, ‘Supplier engagement’ included the following six elements:

- i. Carrying out an analysis of emissions in the supply chain
- ii. Establishing a training and knowledge-sharing programme on scope 3 emissions mitigation for suppliers across the value chain
- iii. Establishing sustainability KPIs for suppliers
- iv. Incentivising suppliers to meet sustainability KPIs through rewards and penalties
- v. Developing a supply-chain engagement strategy to establish formal communication channels with suppliers
- vi. Regularly auditing suppliers on their scope 3 emissions.



Introducing

Dr. Mehrdokht (Medo) Pournader
Senior Lecturer
Director of Master of Supply Chain
Management
Department of Management and Marketing
Faculty of Business and Economics
University of Melbourne



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Modern Slavery in Supply Chains: Supplier awareness, engagement and improvement

Prepared for: Australian Legal Sector Alliance (AusLSA)
online conversation (February 2024)

Dr. Medo Pournader

medo.pournader@unimelb.edu.au





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Context

How businesses are:

- Assessing supply chains
- Engaging with suppliers
- Addressing modern slavery risks





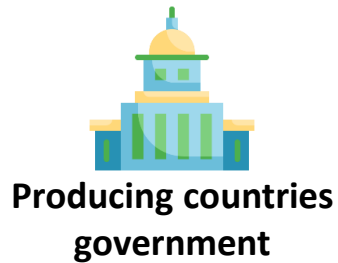
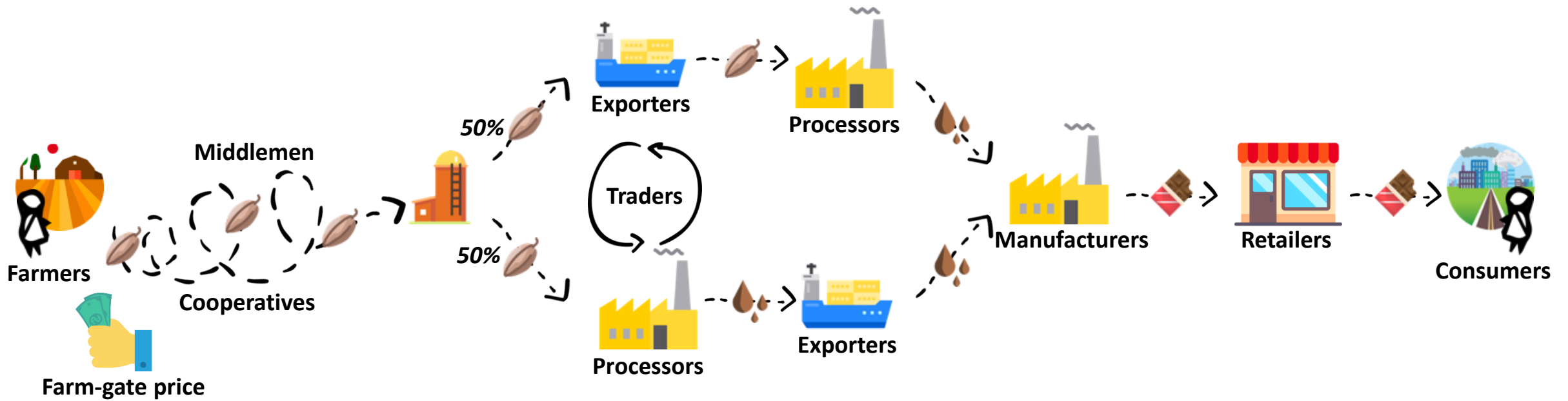
Humanitarian
Research Group

Tony's Chocolonely: The Road to 100% Slave- Free Chocolate

Made by Viktor Pot with support from Sarah Dewilde and Luk Van Wassenhove



A relatively simple supply chain, ...



The story of an unusual chocolate bar

Teun turns himself in as a chocolate criminal



2003



Teun looks for witnesses

First Tony's bar becomes a reality



2004



Tony's goes official

Tony's way to 100% slave free



2007

Harkin-Engel goals not achieved



The switch to unequally divided bars



2012



Bean to Bar becomes a reality

Tony's premium

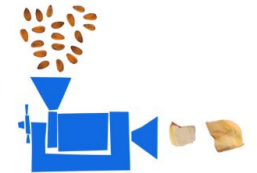


2014

Tony's goes USA



Traceable cocoa butter

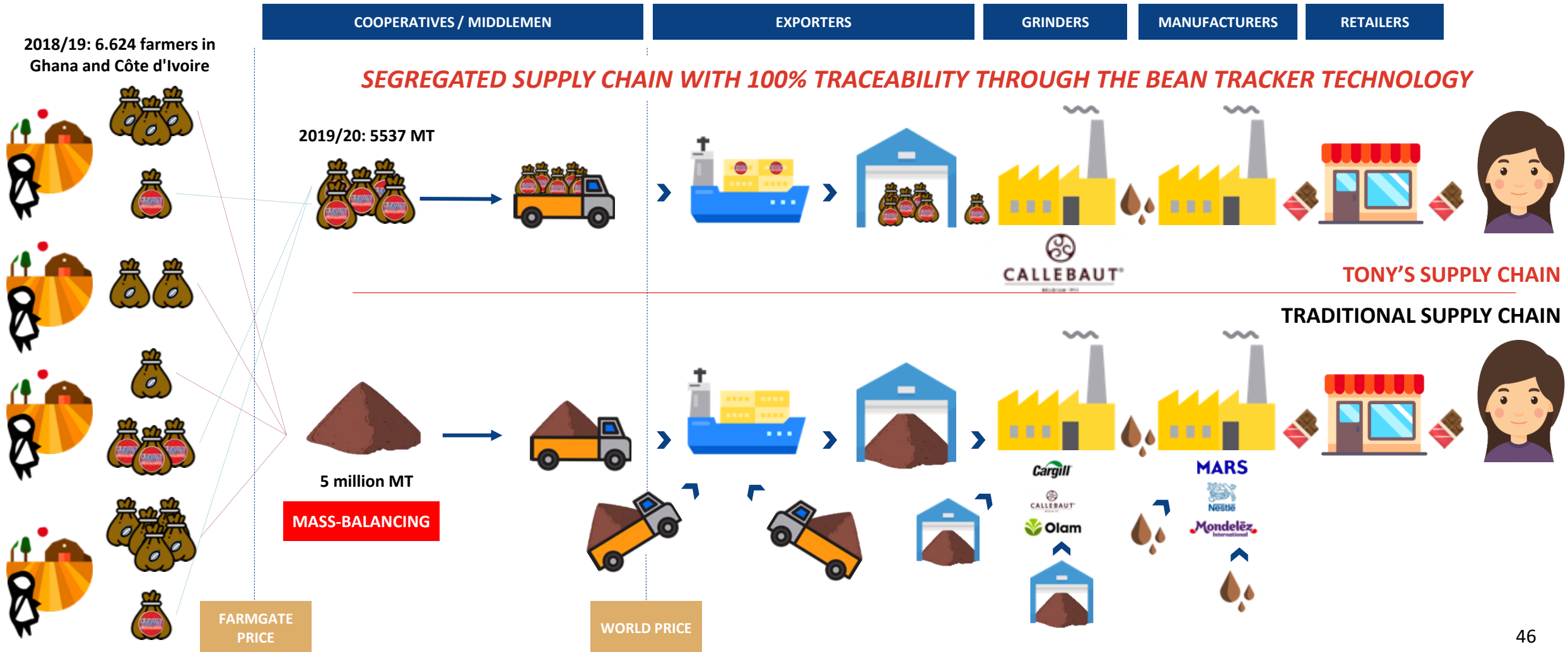


2016



Tony's leads by example

Traceable Cocoa Beans





Overview of the Study

Title: Improving modern slavery risk management and reporting in Australia's construction industry: 'Building Better Supply Chains'

Timeline: Sep 2021 – Nov 2023

Stakeholders: The Property Council Australia – Better Sydney – The University of Melbourne

Interviews: 41 Interviewees, 5 major construction firms (heads of sustainability and procurement), tier 1 suppliers (stone, timber, landscaping)



Major Findings

Buyer perspective:

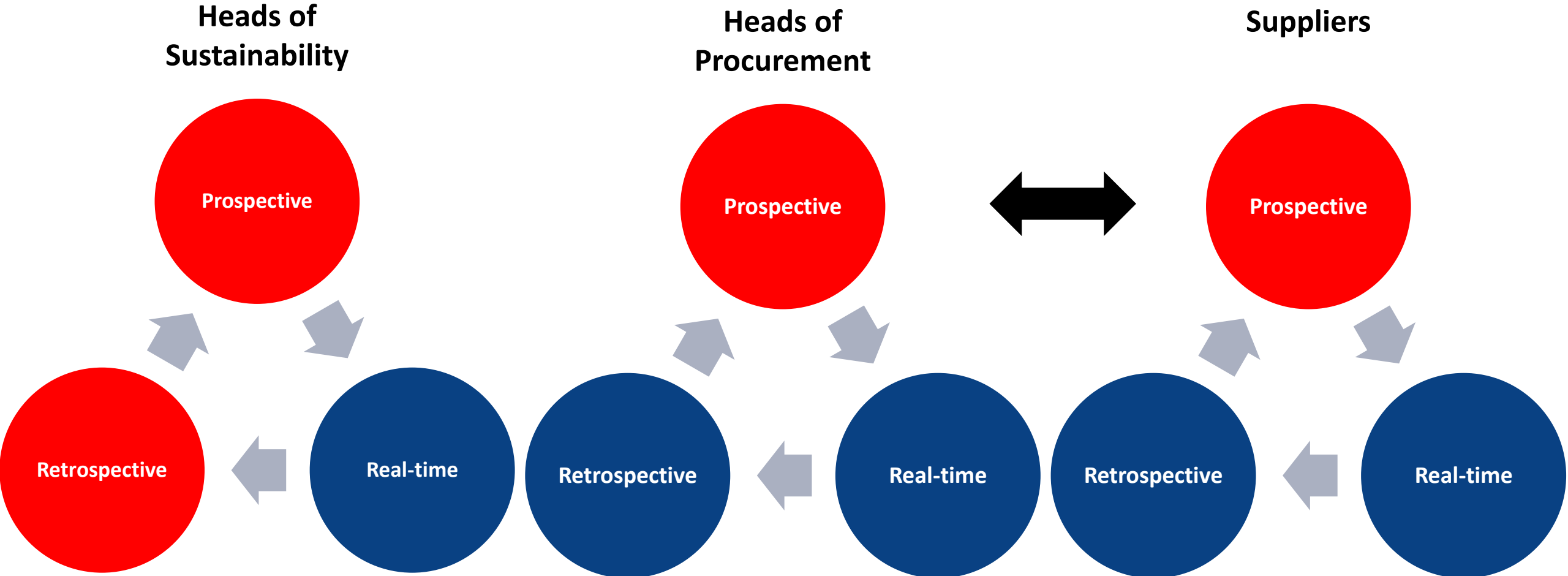
- Heads of Sustainability engage suppliers primarily through training, communicating and collaborating
- Heads of Procurement engage suppliers primarily through policies and codes of conduct (sometimes auditing in case of timber supply chains)
- Suppliers are expected to voluntarily proclaim any issues with respect to modern slavery
- The narrative of buyer is often 0 tolerance toward modern slavery
- Subcontracting is a major issue for both buyers and suppliers with respect to risks of modern slavery

Supplier perspective:

- Smaller suppliers often do not have any provisions for their extended supply chain modern slavery risk mitigation
- Suppliers working with multiple buyers often need to comply with a variety of requirements by the buyers for compliance
- Tendering process sometimes put ethical suppliers at a disadvantage
- Design specifications of products by architects and pressures to meet time, quality, cost needs from buyer are some of the major causes of MS from supplier perspective

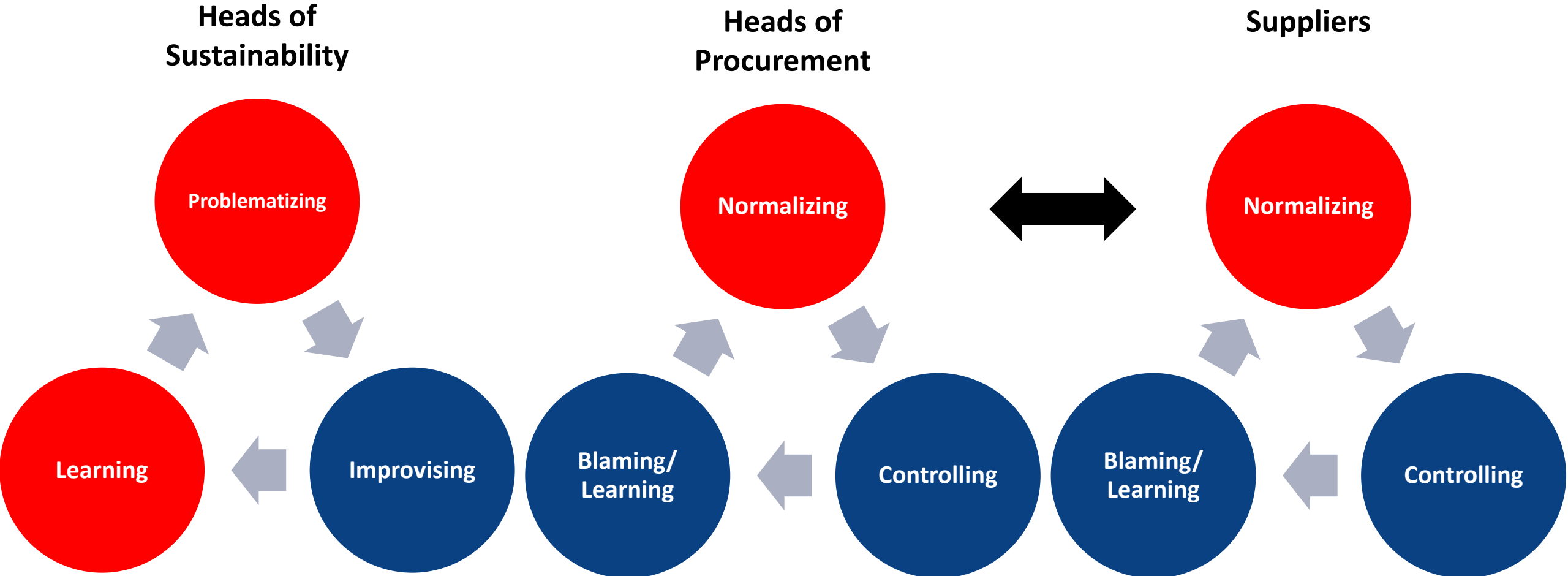


Major Findings: Modern Slavery Risk Management Priorities





Major Findings: Modern Slavery Risk Management Priorities





Notable Quotes: Suppliers

"I've got to pay my unskilled labour .. it is through the roof, the hourly rate. To be honest, you've got to look at different ways to make money to sustain that. So I wouldn't say modern slavery, but cheaper rates ...horses for courses. Like that's how, that's how it works. "

"... I don't know much about the [MS] legislation to be honest. I don't think I need to. But I just obviously need to be aware that there are processes within our organisation that obviously cater for our our legal obligations and manage our risks around around the topic."

"And one of my concerns about certification is that the competition between certifiers has driven the price down. Which means that the people doing the certification are less skilled and being asked to do more in less time. And therefore, the quality of certification is suffering."

"And this is a classic situation that I keep finding in Australia where people are using certificates, but they're the wrong certificates. And as a result of that bringing what is effectively illegal timber into the country."

"The main thing is, there is an extent or limit that we can go back and check or make sure...and there is a percentage that we need to rely on the information that we get from the suppliers and the reliability of that information, again, a question. "



Limitations of the study

- Could not get access to some key tier 1 suppliers and no tier 2 suppliers
- Did not investigate the legal and contractual side from buyer and supplier perspectives
- Did not interview policy makers and the role of external of authorities
- Did not investigate the grievance and remediation mechanisms
- Data collected are primarily based on interviewee's assertions and observations are limited in the study



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Thank you

Dr. Medo Pournader

medo.pournader@unimelb.edu.au



DISCUSSION QUESTION

How many of those around the room think their suppliers have a good understanding of modern slavery risk and are assessing their own supply chains (i.e. your Tier 2) for human rights risks?

[Please come off mute, or write in the Chat box]

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BUILDING SUPPLIER AWARENESS

Building supplier awareness – key topics

- Do suppliers have a basic understanding of modern slavery?
- Are they taking any action on modern slavery?
- What help might they need to improve?
- What examples or case studies might help them?
- What metrics are they using to measure change over time?
- How might people speak up with modern slavery concerns?
- How might collaboration increase success?

BUILDING SUPPLIER AWARENESS

Building supplier awareness - indicators of vulnerability

Vulnerable populations: Personal characteristics or circumstances that may lead people to be more susceptible to harm.

High-risk business models: Practices that reduce visibility between product or service beneficiaries and the provider's labour conditions.

High-risk geographies: Locations where human rights protections are weaker or obscured from oversight.

High-risk categories: Known high-risk products and services, based on the above risk factors, which are often sector specific.

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BETTER SUPPLIER ENGAGEMENT

The 'circle' of improving supplier engagement

Current work with Informed 365

Supplier engagement is key (suppliers start on assessments)

Assessment completion is next (suppliers complete online)

Suppliers return the next year

Suppliers and partners can demonstrate change over time.

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An orange circle containing the text "Improved supplier engagement (and assessment completion rates)".

**Improved
supplier
engagement**
(and assessment
completion rates)

A blue square box with a white inner square. The text "Industry & client input" is centered within the white square.

Industry &
client
input

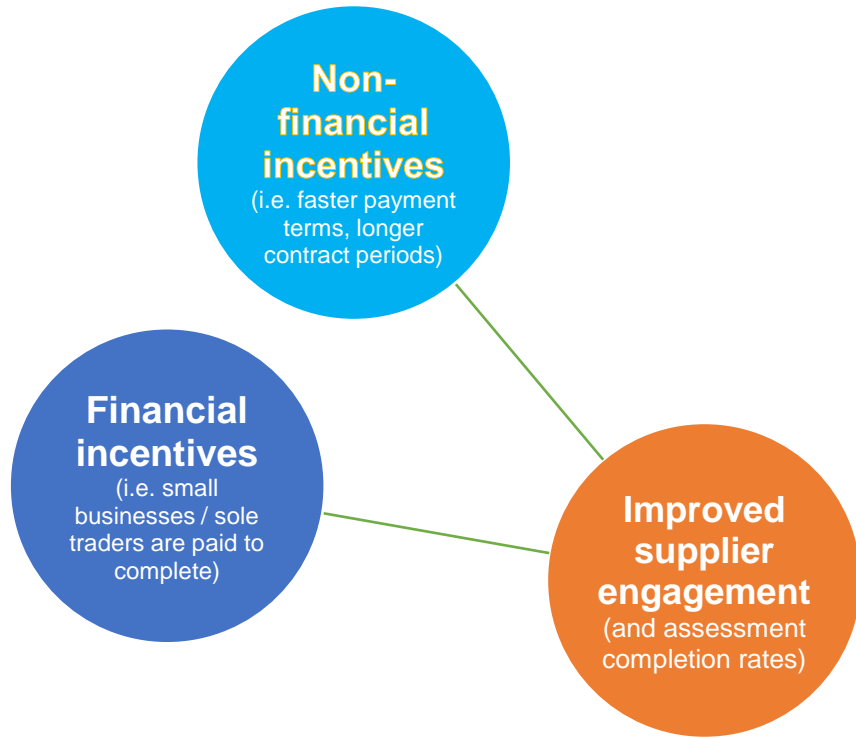
An orange circle containing the text "Improved supplier engagement (and assessment completion rates)".

Improved
supplier
engagement
(and assessment
completion rates)





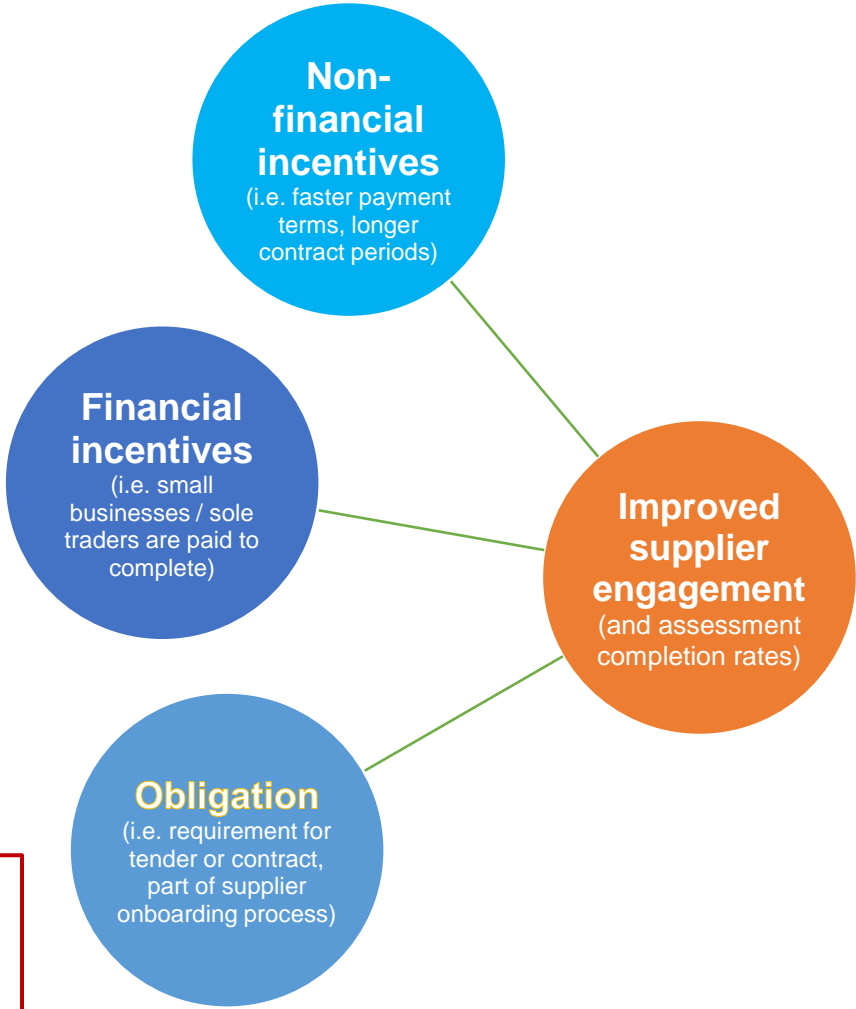
- Examples:**
1. Sole traders paid to complete SAQ
 2. Small businesses reimbursed for time
 3. Incentives for second/third/fourth year
 - 4.
 - 5.
 - 6.
 - 7.



- Examples:**
1. Assessment free for suppliers
 2. Faster payment terms offered
 3. Longer contract terms offered
 - 4.
 - 5.
 - 6.
 - 7.

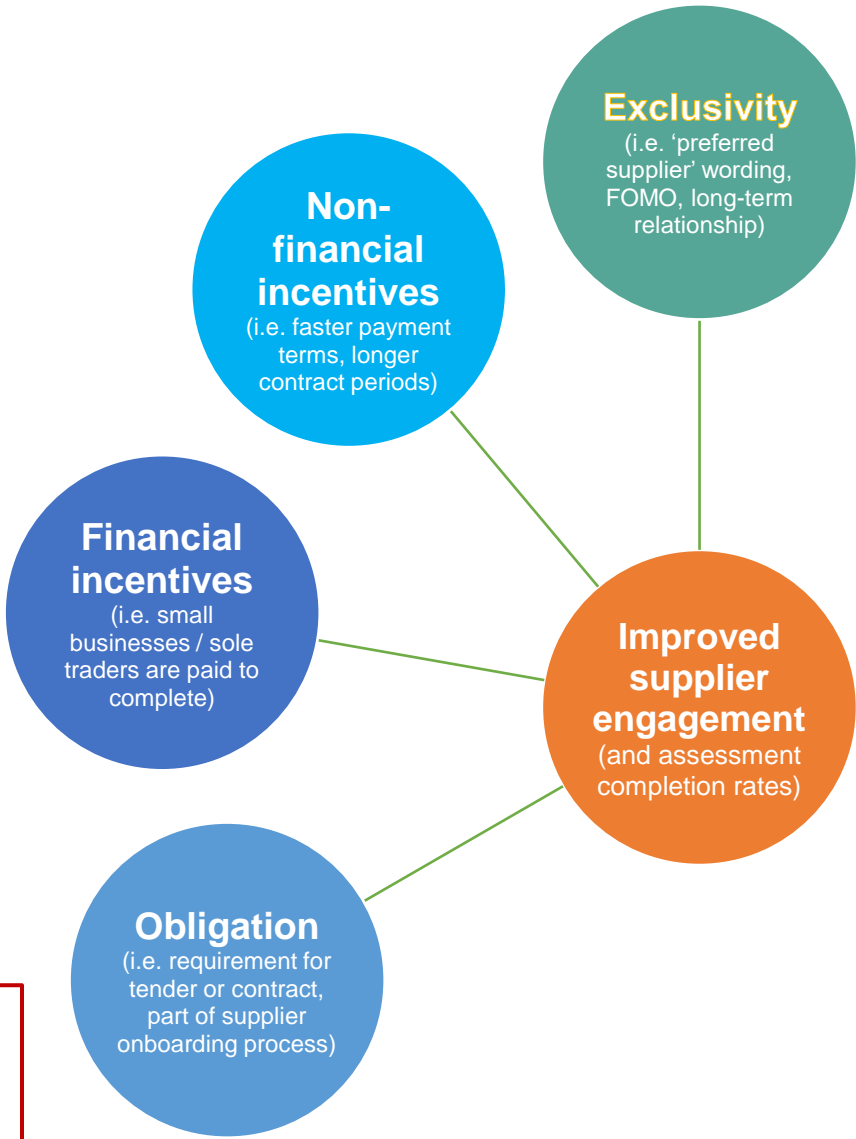


- Examples:**
1. Completion required within tender docs
 2. Completion a condition of the contract
 3. Part of supplier onboarding
 - 4.
 - 5.
 - 6.
 - 7.



Industry & client input

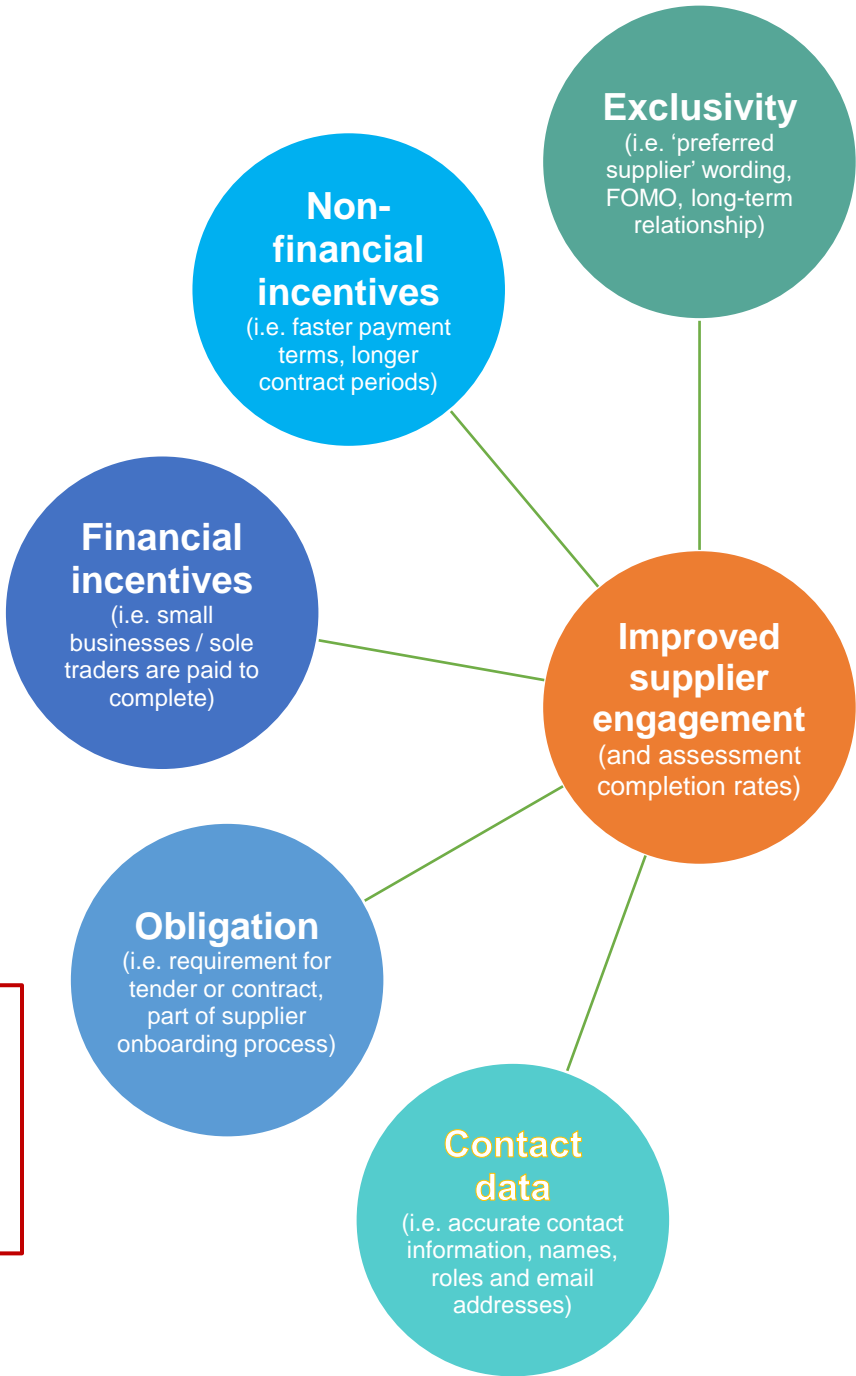
- Examples:**
1. Suppliers feel 'exclusivity' of completion
 2. 'Preferred supplier' wording
 3. Client builds long-term relationship
 4. Suppliers' Fear Of Missing Out (FOMO)
 5. Ability to see to Tier 2 and beyond
 - 6.
 - 7.



Platform & supplier input

Industry & client input

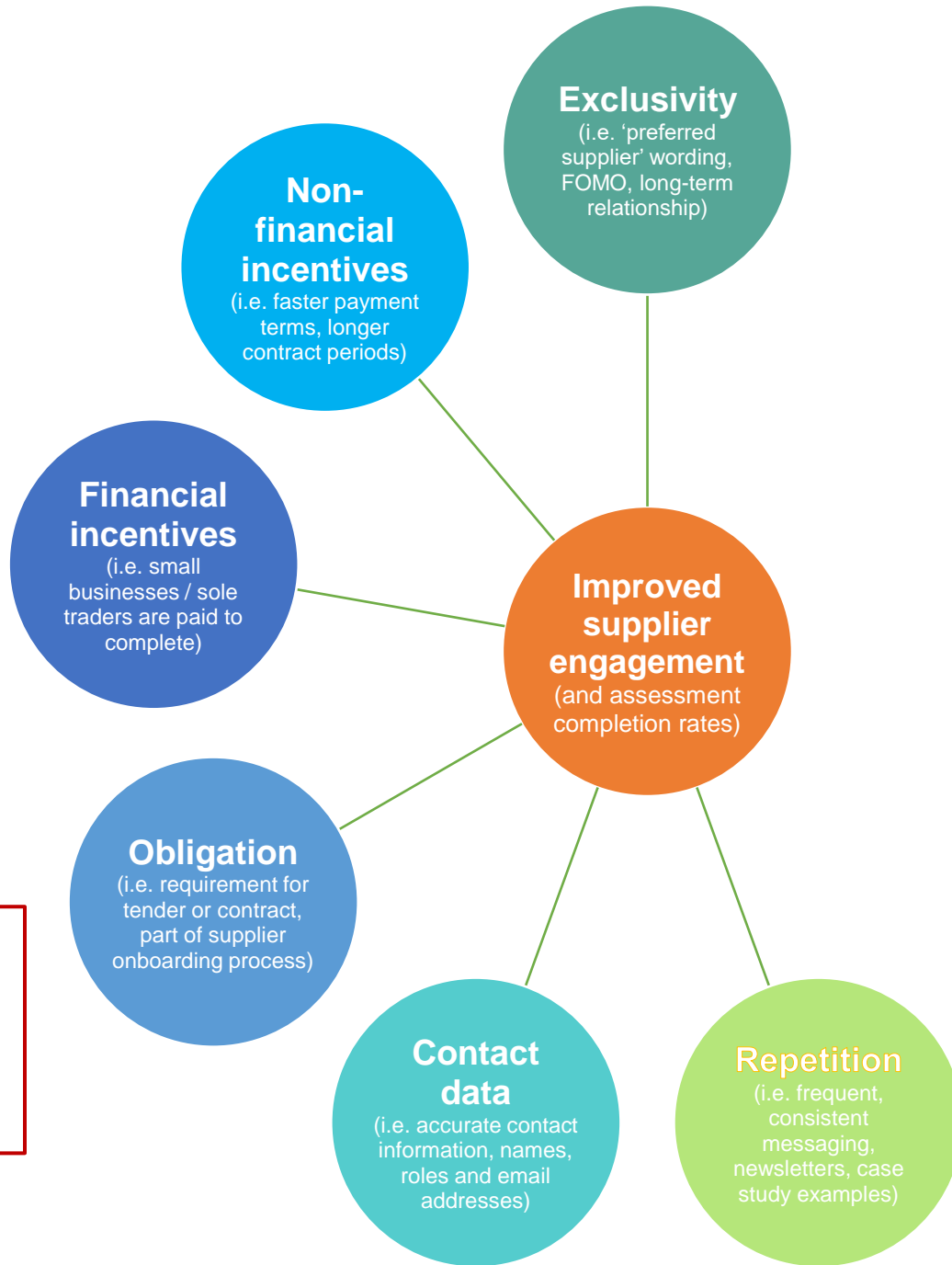
- Examples:**
1. Client provides accurate contact details
 2. Supplier contact information maintained
 3. Generic email addresses reduced
 4. Bounce-backs / updates logged
 5. SAQ gets through to the 'right' person
 - 6.
 - 7.



Platform & supplier input

Industry & client input

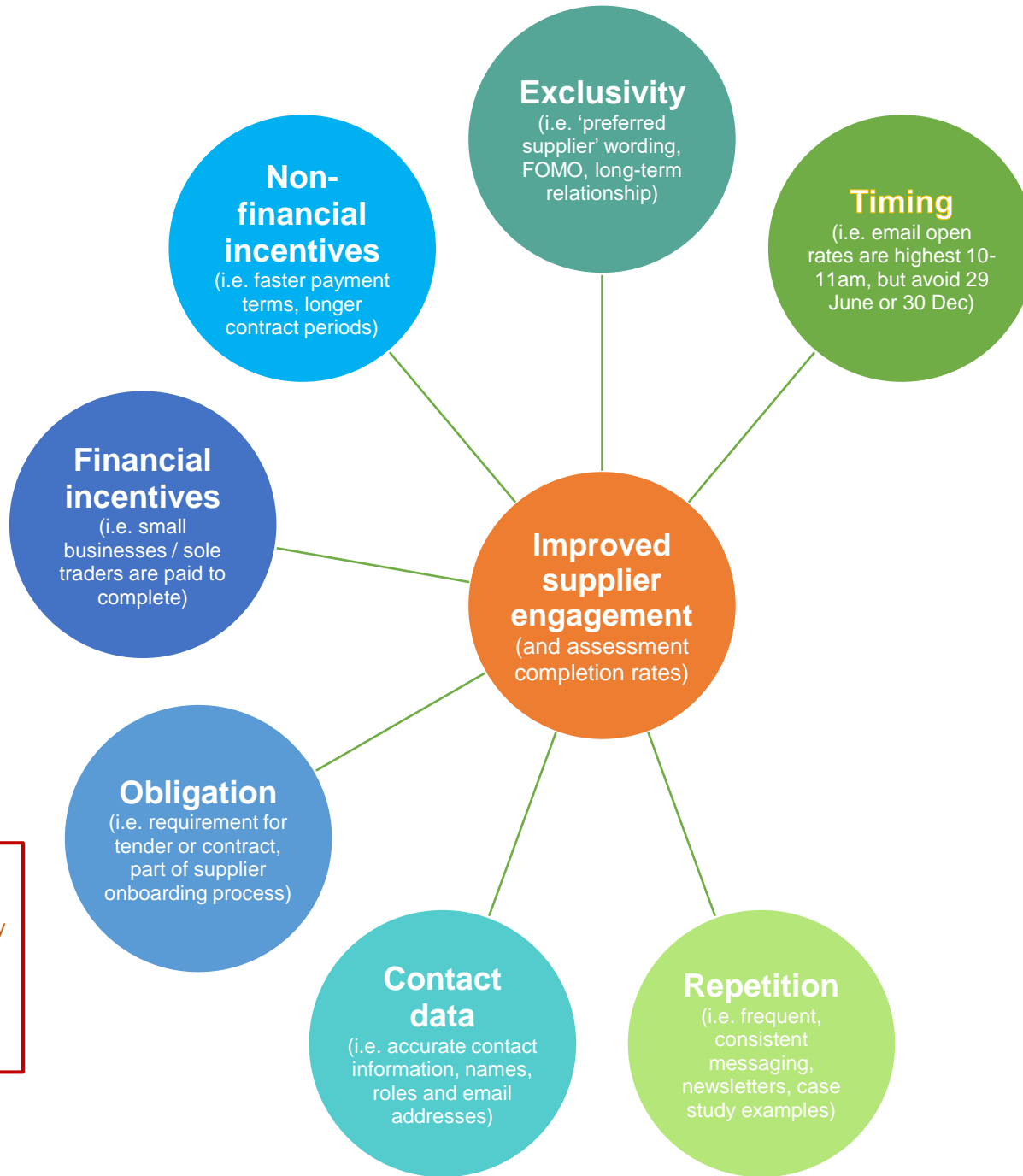
- Examples:**
1. Suppliers do not complete first time
 2. Messaging is frequent and consistent
 3. Communications add more each time
 4. Case studies and examples are clear
 - 5.
 - 6.
 - 7.



Platform & supplier input

Industry & client input

- Examples:**
1. Email open rate best from 10-11am
 2. Email open rate best Tuesday/Thursday
 3. Avoid busy times (EOFY, Dec / Jan)
 - 4.
 - 5.
 - 6.
 - 7.



Platform & supplier input

Industry & client input

- Examples:**
1. Better UX improves completion rate
 2. Fewer questions increases completions
 3. Simpler registration / log-in method
 4. Less time spent by suppliers the better
 - 5.
 - 6.
 - 7.



Platform & supplier input

Industry & client input

- Examples:**
1. Suppliers need to understand context
 2. Suppliers need a clear business case
 3. SAQ should be an educational journey
 4. Resources help suppliers improve
 - 5.
 - 6.
 - 7.



Platform & supplier input

Industry & client input



Platform & supplier input

BETTER SUPPLIER ENGAGEMENT

The Property Council 'Pathway to Respecting Human Rights'

Project due for completion in March 2024

Resources will be widely available

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ALLIANCE

PROMOTING SUSTAINABILITY

Pathway

*not relevant to small businesses
 **not relevant to small-medium businesses



UNDERSTAND AND COMMIT

Take time to understand what human rights are and how they can be protected in your business.

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TRAIN YOUR STAFF

Knowing what to look for is vital. Giving staff tools and education they need to be alert to and take action on human rights and modern slavery risks makes everyone safer.

🔍 Page XX



IDENTIFY RISKS AND ASSIGN RESPONSIBILITIES

Take a look at your operations and supply chain and identify where human rights and modern slavery risks could be an issue and then assign key roles and responsibilities for managing these risks.

🔍 Page XX



COMMUNICATE YOUR ACTIONS*

Share your journey with your clients, staff and suppliers — what you're doing, what you've learnt and your challenges and successes.

🔍 Page XX



MONITOR AND EVALUATE YOUR SUPPLIERS

Develop a process to make sure your suppliers are still operating in line with your expectations and their commitments throughout the life of the contract.

🔍 Page XX



MAKE BETTER PURCHASING DECISIONS*

Build an understanding of human rights and modern slavery risks into decision making and aim to support businesses who prioritise responsible and ethical sourcing.

🔍 Page XX



BUILD SUPPLIER RELATIONSHIPS

Talk with suppliers and partners to build relationships based on trust and transparency.

🔍 Page XX



HELP PEOPLE SPEAK UP

Create a culture that supports people to speak up, including providing tools and processes to encourage them to safely report risks and issues.

🔍 Page XX



RESPOND TO EXPLOITATION**

Develop processes for taking action on human rights issues if they happen, including clear steps to protect and support people who are at risk or affected.

🔍 Page XX



PLAN TO IMPROVE OVER TIME*

Don't just 'set and forget' — make a plan that supports continuous improvement to help you measure and build on your progress.

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While all of these steps are important, some may not apply to your business, or may make more sense to do in a different order. This pathway isn't linear and is designed to support you in considering human rights in a way that reflects your business.

NEXT WORKSHOP

Following on from today's discussions, it is suggested that the next workshop, in April / May 2024, covers the topic* of:

NEXT STEPS: YOUR PATHWAY TO CONTINUOUS IMPROVEMENT

*suggestions for guest speakers are invited.

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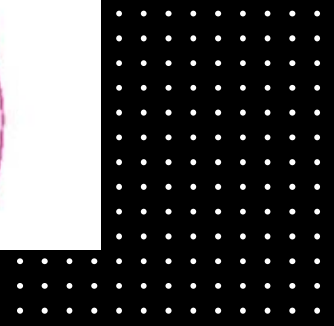
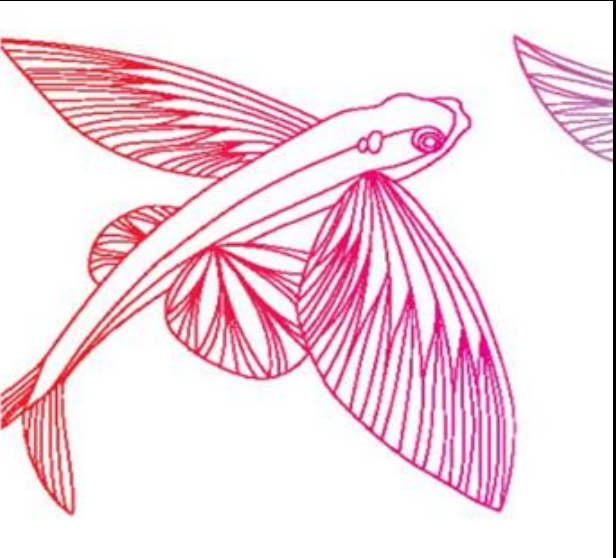
ALLIANCE

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REMINDER: FINAL MEETING

1. Richard and AusLSA will send out invitations for the final workshop over the next month.
2. Since workshops will not be recorded, please nominate someone to represent your organisation if you are unable to attend.
3. Please be prepared to share your progress, questions, concerns and ideas.

QUESTION AND ANSWER TIME



Thank you and close

- Special thanks to Robin Mellon, and also guest speaker Dr Medo Pournader, for their time and for sharing their knowledge and experience.
- And thank you to you all for attending today and sharing with us.
- Please talk to others in your firm who would benefit from these Roundtables... we'd love to see them at the next event
- Robin and Kelvin have offered to stay on the line to speak to any participants who wish to continue the discussion .