

Proposing a Gender-Responsive Reform of the Australian ‘Modern Slavery’ Act

Voice, disaggregation and accountability

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Extract from *Hansard* (Commonwealth of Australia)

Modern Slavery Amendment (Exploitation in the Supply Chain) Act 2024

Second Reading

HON RAMONA VIJEYARASA: I move:
That this Bill be now read a second time.

I speak in support of the Amendment to the *Modern Slavery Act 2018*. During the past ten years, there has been a surge in recognition that more robust laws are needed to address the exploitation suffered by individuals in the supply chains of medium- to large-scale corporations worldwide.¹ Laws have been enacted in the United Kingdom,² France,³ the Netherlands,⁴ the United States of America⁵ and the European Union.⁶ Australia was among these nations when it enacted the *Modern Slavery Act 2018*.⁷

Despite such regulatory efforts, none of these laws has met the goal of best protecting the human rights of those most affected by supply chain exploitation. In many respects, Australia’s opportunity to be a world leader in this space was lost, bringing neither a gender lens nor a human rights framework to the centre of its response.

Today, marginalised and vulnerable groups working in the supply chains of Australian corporations operating nationally or internationally remain unprotected or under-protected. This includes people who experience a higher risk of poverty, social exclusion, discrimination and violence than the general population.⁸ Yet although the impact on their lives is dire, it is rare

for research to go far enough in capturing the lived experiences of these individuals. Australia has missed an opportunity to enact a gender-responsive, human-centred legislative approach to eradicating supply chain exploitation. As a result, we have failed to identify the risks facing Uyghur peoples forced to work in the supply chains of garment companies sourcing from China. There are many other examples of vulnerable workers globally. For example, those producing rubber gloves in Malaysian factories face unacceptable conditions,⁹ while calls for better working conditions and a basic minimum wage for garment workers in Cambodia remain largely ignored.

Where there have been some examples of compliance with the Act, such reporting has been far from uniform.¹⁰ While nearly 5,000 entities have lodged mandatory statements,¹¹ clearer reporting standards are needed.¹² Clearly defined and detailed reporting guidelines can help to eliminate the appropriation of human rights language, not dissimilar from the ‘greenwashing’ we have seen in certain sectors where products are misleadingly promoted as ‘sustainable’, ‘eco’ or ‘organic’.¹³ To address this, we must move beyond the *appearance* of compliance to *actual* compliance.

Now is the time to address these notable shortcomings. I rise today to propose an amendment to the *Modern Slavery Act 2018* (Cth). This bill brings a much-needed gender lens to the drafting table. In order to achieve a law that responds to the lived experiences of exploited women, men and non-binary people in the supply chain, three strategies are foremost.

First, we must better understand the ways in which different groups of people and individuals are affected. Attaining such knowledge requires better data collection to improve our understanding of supply chains and their impact.

Second, we must ensure that those most affected, particularly those most vulnerable to exploitation, have an opportunity to speak about their experiences and be part of identifying and designing the response.

Finally, accountability sits at the heart of any human rights-based approach to ending exploitation. This accountability gap must be closed. We can no longer watch as corporations skirt their responsibility with no consequence. A legal regime with no consequences will not catalyse the necessary behavioural change within corporations that is needed to better protect workers.¹⁴ Adopting a gender-responsive approach sets this law apart as a global example of good practice.¹⁵

Exploitation and its Gendered Dimensions

‘Modern slavery’ is undefined in international law. As a result, the phrase ‘modern slavery’ is applied loosely, with limited regard to the meaning of the terms ‘slavery’ and ‘exploitation’ in international law.¹⁶ Generally, ‘modern slavery’ encompasses forced labour, debt bondage and forced marriage.¹⁷

Australia's *Modern Slavery Act* 2018 focused on regulation of corporate supply chains. Such exploitation has particular gendered dimensions.¹⁸ Women workers numerically are dominant in certain sectors. This gender-segregation of labour creates diverse vulnerabilities, with different consequences for particular groups of women and girls as well as non-binary people.¹⁹

Experiences of inequality manifest in many complex and multi-pronged ways. These can be seen, for example, in gender pay gaps or sexual harassment and violence; lack of access to remedies for violations of women's rights; and lack of protection for human rights defenders who fight for stronger safeguards for the rights of women.²⁰

Given this is a gendered problem, our legislative response must be gender-responsive – that is, the law must account for differences in interests, needs and experiences of women, men and non-binary people.²¹ A gender-responsive approach to addressing exploitation in the supply chain, for instance, ensures that forms of exploitation that may be less visible come to the fore.²² Gender-responsive legislative drafting may help to overcome the tendency for reporting to lack nuance as has been witnessed in other jurisdictions such as the UK,²³ and until now in Australia. The goal is to detect and respond to actual exploitation by disaggregating for difference through more comprehensive due diligence, rather than allowing corporations to paper over actual exploitation (or the risk of its occurrence) with a set of standardised responses.

Three Guiding Principles

Three principles guide this amendment: make sure women are heard, make sure women are counted, and make sure that those entities found responsible – either for actual violations or for turning a blind eye to the risks of modern slavery – are held to account.

Ensuring Women are Heard

A due diligence obligation puts an onus on companies to demonstrate that they are taking all necessary measures to identify, prevent and mitigate incidences of modern slavery in their operations and supply chains.²⁴ Yet what is called for here is gender-sensitive due diligence. Gender-sensitive due diligence is underpinned by the right to gender equality. This concept considers both the positive potential of business as well as the negative impacts of business practices on human rights related to sex, gender, gender identity and sexual orientation. The approach places particular emphasis on the experiences of women and girls and non-binary people, and the multiple intersecting forms of discrimination that influence the realisation of their rights.²⁵

Gender-responsive due diligence requires recognition of the embedded gender norms, complex cultural biases and power imbalances at play in corporate supply chains.

Globally, the myth that so-called ‘modern slavery’ solely or primarily involves women chained to beds has slowly been dispelled.²⁶ By contrast, nuance is needed to understand where and how women are exploited. In Asia, for example, women dominate the textiles, clothing and footwear (TCF) sector.²⁷

Globally, women remain overrepresented in labour-intensive industries, particularly those giving rise to precarious workplace conditions.²⁸ For instance, women are overrepresented in agriculture in many countries, including India.²⁹ Gender-sensitive due diligence in these sectors would acknowledge this reality at the outset.

In the garment factories of Cambodia’s capital, Phnom Penh, 90% of the workforce are women. These workers are underpaid, work overtime hours under extreme pressure³⁰ and suffer from lack of hydration and inadequate restroom breaks. These practices increase women’s risk of urinary tract infections, a risk exacerbated by a lack of soap, water and sanitary napkins.³¹ Many are migrants to Phnom Penh’s export processing zones, where they live in overcrowded rental areas with poor lighting, forced to traverse such a significant distance between rental rooms and shared toilets that they encounter an increased risk of gender-based violence.³²

Meaningful stakeholder engagement with women workers, which must become the new norm, can make visible the power imbalances that drive and sustain such exploitation. Several examples shed light on what this might look like in the global supply chain. Company policies around equal pay, non-discrimination and access to employment benefits often govern only full-time salaried workers while failing to reach informal workers or those on short-term or indirect contracts, areas where women dominate.³³ Female workers are often engaged in home-based work that is less monitored and often involves piece-rate pay.³⁴ While more flexible – especially for women who prefer to work at home, or who face cultural or religious obstacles to working outside the home – workers with such arrangements are at risk of receiving lower pay and poorer working conditions, while also facing an inability to organise.³⁵

The same can be said regarding how corporate practices affect people of different genders differently. Women in rural areas may be affected in particular ways by business activities that restrict access to collective resources including water, fisheries and forestry.³⁶ Extractive activities and export-orientated agriculture contribute to the forced displacement of Indigenous peoples, exposing them to the risk of being compelled to accept exploitative labour opportunities.

Women and girls, as well as non-binary people, may be placed at heightened risk of sexual and other forms of abuse if businesses lead to an influx of

male workers into the local community.³⁷ These are all essential considerations for Australian businesses operating at home – including those importing from their supply bases overseas – or conducting business abroad.

Gender-sensitive due diligence requires a commitment from corporations to actively ensure that the voices of marginalised groups are heard. This entails facilitating the equal and meaningful participation of women and girls and other non-binary people in consultations and negotiations. Corporations must develop gender-sensitive systems and protections for whistleblowers. Such entities must also actively seek to uncover sexual harassment and gender discrimination while establishing internal mechanisms to provide safe and confidential treatment, services and redress and justice to survivors of sexual harassment and sexual violence. Information must also be provided concerning judicial and other remedies. Companies can play a role in ensuring that all rights holders may freely access these.

Sourcing *malpractice*, which may affect women differently depending on the sector in which they work, also needs attention. Such practices can contribute to aggressive price-setting behaviour, time pressures and short lead times.³⁸ Ideally, institutions would begin to practise gender-responsive procurement, including prioritising the integration of women-owned and gender-responsive enterprises into the supply chain.

Without interrogating the situation through a gendered lens at the outset, we will be less able to identify the gendered impacts of corporate practices. Australia's legislative response must incorporate gender-sensitive due diligence, to send a clear message to business that failure to consider a gender perspective when investigating harms will prove inadequate and fall short of regulatory requirements.

Ensuring Women are Counted

Despite the overtly gendered nature of global supply, many women's individual and collective experiences are frequently not accounted for. To the contrary, women's participation in senior management is often misleadingly used as a proxy for women's overall participation. Tracking with gender-disaggregated data is therefore essential for us to understand which women are most affected by global supply chains and in what ways they are impacted by them. Since the late 1980s, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has been calling for the comprehensive monitoring of women's situation in the global labour force.³⁹

Such data needs to be collected in a comprehensive manner, and disaggregated, at a minimum, by age, sex, gender, race and nationality. Ideally, corporations would not only collect information broken down by gender, but also ensure that attention is given to the most marginalised women, including those from indigenous, racial, ethnic and sexual minority groups; women

and girls and non-binary people with disabilities; adolescents; older and unmarried women; women heads of household; widows, women and girls and non-binary people living in poverty in both rural and urban settings; women engaged in sex work; and migrant women.

Such data can enable entities to ensure that their grievance mechanisms are responsive to the particular needs of workers – be they language- or accessibility-based – and therefore fit for purpose. This level of disaggregation is also needed by all workplace management, human resource and compliance staff to best support workers directly within the corporation but also within its supply; establish benchmarks for improved accountability to gender equality and other human rights standards; and monitor their successes and failings in meeting these benchmarks.

Ensuring Corporations are Held Accountable

Access to justice is a key principle of international law and national legal systems around the world. The right to an effective remedy for violations of fundamental rights was made clear in the Universal Declaration of Human Rights.⁴⁰ Holding those responsible is also a core principle of our treasured democracy, because a law without penalties is a law with no teeth. This is an opportune moment for Australia to enact a law that is a global good practice model. Following from the good example set by the French,⁴¹ we must acknowledge that businesses have insufficient incentives to act without facing a serious penalty for failing to do so. An oversight in the *Modern Slavery Act 2018* is that although it refers to ‘operations and supply chains’, it fails to define either. To address this, the definitions proposed in this revised Bill provide a firm foundation for a system of corporate accountability.⁴²

At a minimum, the law must create accountability for a failure to *conduct* due diligence. However, this alone is not enough. The capacity of auditors needs to be strengthened, both to conduct gender-sensitive due diligence and investigate and implement gender-sensitive grievance mechanisms.⁴³ There must be a clear mechanism for establishing benchmarks and holding entities to account when modern slavery-like practices have been uncovered but no action has been taken. Victims must also be compensated. It is time to right the wrongs of many decades of such global corporate practice and look towards a future where global supply can be more equitable, sustainable and gender-just.

I commend this Bill to the House.

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Modern Slavery Amendment (Exploitation in the Supply Chain) Act 2024

A Bill for an Act to amend the *Modern Slavery Act 2018* (Cth) in relation to exploitation in the corporate supply chain, and for related purposes

The Parliament of Australia enacts:

1 Short Title

This Act may be cited as the *Modern Slavery Amendment (Exploitation in the Supply Chain) Act 2024*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedules

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1 – Amendments

Modern Slavery Act 2018

1 Section 4 – Definitions

Insert:

disadvantaged and vulnerable groups means groups of persons that experience a higher risk of poverty, social exclusion, discrimination and violence than the general population, including, but not limited to, ethnic minorities, migrants, people with disabilities, isolated elderly people and children.

gender-sensitive due diligence means meaningful engagement with women and girls and non-binary people as relevant stakeholders, in order to understand their concrete experiences of global supply chains; measure performance against established benchmarks; and identify and respond to the adverse human rights impacts of work in the sector.

operations means activity undertaken by the entity to pursue its business objectives and strategy in Australia and overseas, including direct employment of workers; processing and production; provision and delivery of products and services; construction; financial lending; financial investments; managed/operated joint ventures; lending of property, products and/or services; research and development; charitable activities; distribution, purchasing, marketing and sales; and religious activities.

responsible data collection means collection of data in a way that specifically seeks to make transparent how different groups are affected, including but not limited to on the basis of sex, gender, indigenous and ethnic status; racial, ethnic and sexual minority status; women and girls and non-binary people living with disabilities; adolescents; older women; unmarried women; women heads of household; widows; women and girls and non-binary people living in poverty in both rural and urban settings; women engaged in sex work; and migrant women.

risk of exploitation report means a report that will replace the previous Modern Slavery Statement.

Note: See Section 16 of this Amendment Act.

supply chains means the products and services (including labour) that contribute to the entity's own products and services. This includes products and services sourced in Australia and overseas and extends beyond direct suppliers.

2 Section 6 – Voluntary Modern Slavery Statements

Repeal the heading 'Voluntary Modern Slavery Statements'; substitute: '6 Compulsory Risk of Exploitation Reports'

3 After Section 12 – Meaning of *Modern Slavery Statement*

Insert:

12A Meaning of *exploit*

(1) For the purposes of this Act, a person is *exploited* if:

(a) they are required or coerced to perform labour; and

- (b) there is gross unfairness to the person in relation to that labour, whether because:
 - (i) the requirement or coercion itself is, or is imposed in a manner that is, or in circumstances that are, grossly unfair to the person; or
 - (ii) the labour itself is to be performed in a manner that is, or in circumstances that are, grossly unfair to the person.
- (2) Without limiting subsection (1)(b), circumstances in which there is gross unfairness to a person in relation to their labour include:
 - (a) that labour being performed for an excessive amount of time;
 - (b) the magnitude of that labour being excessive in relation to the person;
 - (c) the labour being performed to meet excessive quotas or other requirements;
 - (d) the labour being performed for no compensation, or for compensation so low as to be grossly unfair;
 - (e) compensation for that labour being interfered with or manipulated, including where:
 - (i) the compensation is given to some other person; or
 - (ii) amounts are deducted from that compensation in a way that is grossly unfair;
 - (f) the labour, or the manner in which it is to be performed, being unlawful (including by being in breach of a contract to which the person is a party);
 - (g) the labour being performed in the absence of a contract; or
 - (h) the person being denied the ability to access benefits or protection provided by any public authority.

4 Section 16

Repeal the section, substitute:

16 Mandatory criteria for modern slavery statements

- (1) In order to prepare a risk of exploitation report, a reporting entity must:
 - (a) undertake due diligence that includes gender-sensitive due diligence; and
 - (b) undertake responsible data collection.
- (2) A risk of exploitation report must, in relation to each reporting entity covered by the report:
 - (a) identify the reporting entity; and

- (b) describe the structure, operations and supply chains of the reporting entity; and
 - (c) describe the social, economic and demographic characteristics of workers and consumers of that entity, including data disaggregated by, at a minimum, age, sex, gender, Indigenous and ethnic status, race and nationality; and
 - (d) describe the efforts of the entity to undertake responsible data collection; and
 - (e) describe the risks of exploitative practices in the operations and supply chains of the reporting entity, and any entities that the reporting entity owns or controls, with particular attention to disadvantaged and vulnerable groups; and
 - (f) describe the actions taken by the reporting entity and any entity that the reporting entity owns or controls, to assess and address those risks, including gender-sensitive due diligence and mediation processes; and
 - (g) describe how the reporting entity assessed the effectiveness of such actions; and
 - (h) describe the steps taken to ensure consultation with disadvantaged and vulnerable groups who may have limited access to consultation processes; and
 - (i) describe the process of consultation with:
 - (i) any entities that the reporting entity owns or controls; and
 - (ii) in the case of a reporting entity covered by a statement under Section 14 – the entity giving the statement; and
 - (j) include any other information that the reporting entity, or the entity giving the statement, considers relevant.
- (3) In collecting relevant demographic data for the purposes of a risk of exploitation report, the reporting entity must give attention to responsible data collection.

5 Section 16A Explanations for failure to comply etc.

Omit Section 16A(1) and substitute:

- (1) If the Minister is reasonably satisfied that an entity has failed to comply with a requirement under Sections 13 and 14 (which deal with requirements to provide a modern slavery report), the Minister may give a Reporting Compliance Notice to the entity to do either or both of the following:

6 Section 16A(4)

Repeal the section, substitute:

Section 16A(4) Explanations for failure to comply etc.

- (4) If the Minister is reasonably satisfied that an entity has failed to comply with the remedial action specified in the Reporting Compliance Notice given by the Minister under subsection (1) within six months of receiving the Reporting Compliance Notice, the Minister may request that entity to comply under financial compulsion up to an amount not beyond 0.1% of the entity's annual turnover during the last financial year if appropriate.

7 After Section 16A

Insert:

16B Response to exploitation

- (1) If evidence is provided to the Minister that an entity is engaging in exploitation, the Minister may give an Exploitation Compliance Notice to the Reporting Entity to do either or both of the following within a specific period of three months after the request has been given:
 - (a) provide evidence to demonstrate that no such exploitation is taking place; or
 - (b) provide evidence of the entity's remedial action to address the exploitation.
- (2) If the Reporting Entity fails to provide evidence in conformity with (17)(1), the Reporting Entity will be made liable by the Minister and obliged to pay compensation for the harm that due diligence would have helped to avoid.
- (3) Such liability in 17(2) shall accrue within six months of receiving the Exploitation Compliance Notice up to an amount not beyond 0.5% of the entity's annual turnover during the last financial year if appropriate.
- (4) An action to establish liability shall be filed before the relevant jurisdiction.

Section 16C Modern Slavery Act Fund

- (1) The Modern Slavery Act Fund is established by this section. The Modern Slavery Act Fund will be composed of all funding received pursuant to a Reporting Compliance Notice and an Exploitation Compliance Notice.
- (2) The Modern Slavery Act Fund is a victim's compensation fund for the purpose of the *Modern Slavery Amendment (Exploitation in the Supply Chain) Act 2024*. Any individual defined as a victim of modern slavery

pursuant to this Act or another provision of the *Criminal Code* can apply for compensation under the Modern Slavery Act Fund.

- (3) The purpose of the Modern Slavery Act Fund is to provide recognition of the harm suffered by victims and is to be used exclusively for the benefit of victims, for medical support, both physical and psychological; housing; social services, including education and childcare; and compensation for lost earnings.

Notes

- 1 Ramona Vijayarasa, 'A Missed Opportunity: How Australia Failed to Make Its Modern Slavery Act a Good Practice Global Example' (2019) 40(3) *Adelaide Law Review* 857.
- 2 *Modern Slavery Act 2015* (UK).
- 3 *Relative Au Devoir de Vigilance Des Sociétés Mères et Des Entreprises Donneuses d'ordre 2017* (LOI No 2017-399).
- 4 *Initiatiefuorstel Wet Zorgplicht Kinderarbeid 2016* (Law No 34506).
- 5 *California Transparency in Supply Chains Act 2012* (Senate Bill No 657).
- 6 Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017, *Laying Down Supply Chain Due Diligence Obligations for Union Importers of Tin, Tantalum and Tungsten, Their Ores, and Gold Originating from Conflict-affected and High-risk Areas* [2017] OJ L 130/1.
- 7 *Modern Slavery Act (No 153) 2018* (Cth).
- 8 Definition adapted from the European Institute for Gender Equality, 'Disadvantaged Groups', *European Institute for Gender Equality* (2020). <https://eige.europa.eu/thesaurus/terms/1083>.
- 9 Human Rights Law Centre, *Paper Promises? Evaluating the Early Impact of Australia's Modern Slavery Act* (report, 2022) 2. https://opus.lib.uts.edu.au/bitstream/10453/158152/2/Paper%2BPromises_Australia%2BModern%2B_Slavery%2BAct_7_FEB.pdf.
- 10 David Nersessian and Dessislava Pachamanova, 'Human Trafficking in the Global Supply Chain: Using Machine Learning to Understand Corporate Disclosures Under the UK Modern Slavery Act' (2022) 35 *Harvard Human Rights Journal* 46, 34.
- 11 Australian Government, 'Modern Slavery Statements Register'. <https://modernslaveryregister.gov.au/>.
- 12 Nersessian and Pachamanova (n 10).
- 13 Ramona Vijayarasa and Mark Liu, 'Fast Fashion for 2030: Using the Pattern of the Sustainable Development Goals (SDGs) to Cut a More Gender-Just Fashion Sector' (2022) 7(1) *Business and Human Rights Journal* 50–1.
- 14 Jolyon Ford and Justine Nolan, 'Regulating Transparency on Human Rights and Modern Slavery in Corporate Supply Chains: The Discrepancy between Human Rights Due Diligence and the Social Audit' (2020) 26(1) *Australian Journal of Human Rights* 27, 28.
- 15 Vijayarasa (n 1).
- 16 Ramona Vijayarasa and José-Miguel Bello y Villarino, 'Modern-Day Slavery – A Judicial Catchall for Trafficking, Slavery and Labour Exploitation: A Critique of Tang and Rantsev' (2013) 9 *Journal of International Law and International Relations* 38.
- 17 Vijayarasa (n 1) 857.

- 18 Miet Maertens and Johan FM Swinnen, 'Gender and Modern Supply Chains in Developing Countries' (2012) 48(10) *Journal of Development Studies* 1412; Genevieve LeBaron and Ellie Gore, 'Gender and Forced Labour: Understanding the Links in Global Cocoa Supply Chains' (2020) 56(6) *The Journal of Development Studies* 1095 ('Gender and Forced Labour'); Ramona Vijayarasa and Mark Lui, 'Fast Fashion for 2030: Using the Pattern of the Sustainable Development Goals (SDGs) to Cut a More Gender-Just Fashion Sector' (2021) *Business and Human Rights Journal*.
- 19 Marina Prieto-Carrón, 'Women Workers, Industrialization, Global Supply Chains and Corporate Codes of Conduct' (2008) 83(1) *Journal of Business Ethics* 5; Catherine S Dolan, 'On Farm and Packhouse: Employment at the Bottom of a Global Value Chain' (2004) 69(1) *Rural Sociology* 99 ('On Farm and Packhouse'); Stephanie Barrientos, 'Gender, Flexibility and Global Value Chains' (2001) 32(3) *IDS Bulletin* 83.
- 20 Maertens and Swinnen (n 19) 1413.
- 21 Ramona Vijayarasa, 'Women, Work and Global Supply Chains: The Gender-Blind Nature of Australia's Modern Slavery Regulatory Regime' (2020) 26(1) *Australian Journal of Human Rights* 74, 76.
- 22 Alexandros Paraskevas and Maureen Brookes, 'Human Trafficking in Hotels: An "Invisible" Threat for a Vulnerable Industry' (2018) 30(3) *International Journal of Contemporary Hospitality Management* 1996.
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- 24 Sharon Burrow, 'Eliminating Modern Slavery: Due Diligence and the Rule of Law', *Business & Human Rights Resource Centre* (blog, 8 August 2017). <https://www.business-humanrights.org/en/blog/eliminating-modern-slavery-due-diligence-and-the-rule-of-law/>.
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- 27 Joanna Bourke-Martignoni and Elizabeth Umlas, *Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches* (Academy Briefing No 12, The Geneva Academy of International Humanitarian Law and Human Rights, December 2018); Petra Dannecker, 'Collective Action, Organisation Building, and Leadership: Women Workers in the Garment Sector in Bangladesh' (2000) 8(3) *Gender & Development* 31.
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- 33 Zoe Elena Horn, 'The Effects of the Global Economic Crisis on Women in the Informal Economy: Research Findings from WIEGO and the Inclusive Cities Partners' (2010) 18(2) *Gender & Development* 263.
- 34 Marilyn Carr et al., 'Globalization and Home-Based Workers' (2000) 6(3) *Feminist Economics* 123.
- 35 Bourke-Martignoni and Umlas (n 28) 33.
- 36 Bernadette P Resurrección and Rebecca Elmhirst, *Gender and Natural Resource Management: Livelihoods, Mobility and Interventions* (Routledge, 2012).
- 37 Katy Jenkins, 'Women, Mining and Development: An Emerging Research Agenda' (2014) 1(2) *The Extractive Industries and Society* 329.
- 38 Business for Social Responsibility (n 30) 23.
- 39 Committee on the Elimination of Discrimination against Women, *General Recommendation No 9: Statistical Data Concerning the Situation of Women*, 8th sess, UN Doc A/44/38 (1989) ('General Recommendation No 9').
- 40 *Universal Declaration of Human Rights*, GA Res 217 A (III), UN GAOR, UN Doc A/810 (10 December 1948), Art. 8.
- 41 *Relative Au Devoir de Vigilance Des Sociétés Mères et Des Entreprises Donneuses d'ordre* (n 3) 2.
- 42 The definitions provided in this Bill have been adapted from the *Commonwealth Modern Slavery Act 2018*: Guidance for Reporting Entities produced by the Commonwealth Department of Home Affairs. <https://www.homeaffairs.gov.au/criminal-justice/files/modern-slavery-reporting-entities.pdf>.
- 43 Business for Social Responsibility (n 30).