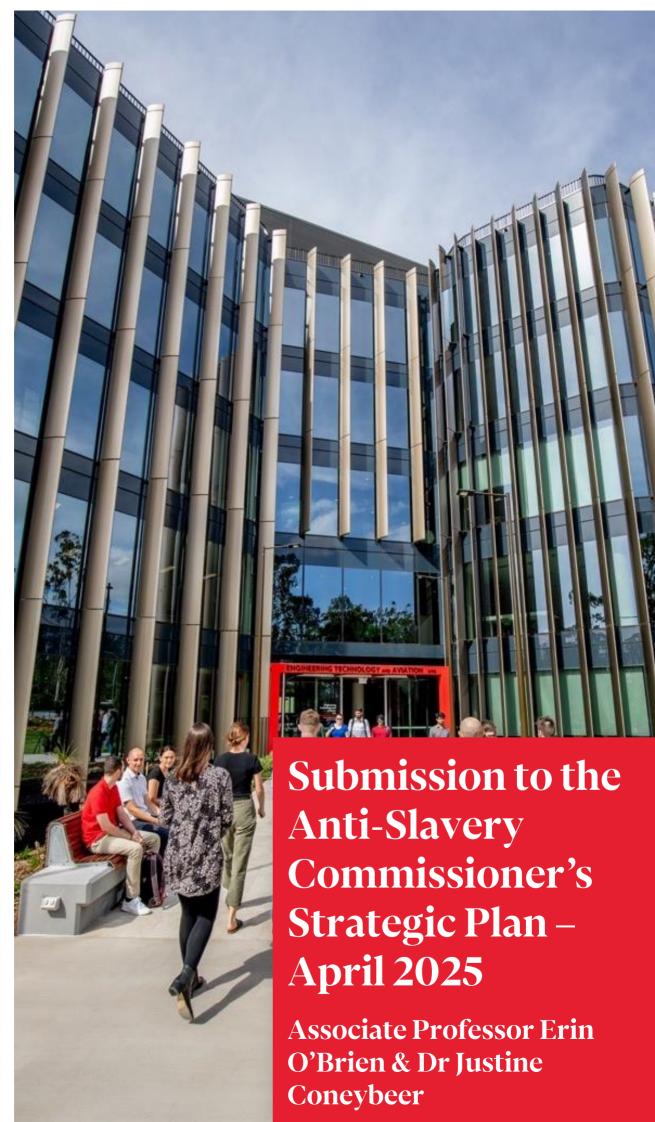
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Summary of Consultation Responses:

- 1. What are the **key priorities** for the Commissioner?
 - Promote compliance with the MSA, and improved corporate action on modern slavery
 - Promote collaboration and engagement
 - Engage with victims/survivors and individuals with lived experience of modern slavery
 - Engage in education and awareness-raising, specifically with consumers and investors
- 2. What **principal objectives** should the Commissioner?
 - Encourage companies to report against measurable year-on-year improvements in corporate antislavery actions and reporting quality.

- Promote a cultural shift in corporate norms to prioritise human rights and wellbeing within supply chain governance
- Foster shared responsibility and cross-sectoral cooperation among key stakeholders to enhance mitigation and remediation efforts in addressing modern slavery
- Maximise the accessibility and impact of submitted Modern Slavery Statements to inform and engage consumers, investors, and the wider community by resourcing civil society organisations to analyse and disseminate information to consumers and investors
- Investigate options for a broad, consumer-focused public awareness-raising campaign
- Establish a multi-actor national research community focused on advancing modern slavery prevention, mitigation, and remediation through evidence-based collaboration across academia, industry, and civil society.

Respondent Details

Name: Associate Professor Erin O'Brien

Email: erin.obrien@griffith.edu.au

Position: Associate Professor in the School of Government and International Relations

Organisation: Griffith University

Sector: University/Research

Bio: Dr Erin O'Brien is an Associate Professor in the School of Government and International Relations at Griffith University in Australia. Her research examines the interplay between political activists, market actors, and the state in the construction of knowledge and formation of policy to combat global problems including modern slavery and climate change. Her current research focuses on the mobilisation of consumers and investors (political consumerism and political investorism) for social and political causes. She is the author of two books and numerous journal articles on human trafficking and modern slavery.

Name: Dr Justine Coneybeer

Email: j.coneybeer@griffith.edu.au

Position: Postdoctoral Research Fellow in the School of Government and International Relations

Organisation: Griffith University

Sector: University/Research

Bio: Dr Justine Coneybeer is a Postdoctoral Research Fellow at the School of International Relations and Government at Griffith University in Australia. She recently completed her PhD thesis entitled "Taking Responsibility? A Critical Analysis of Fashion Companies' Responses to the Australian Modern Slavery Act". Her doctoral thesis was particularly interested in whether fashion companies were taking responsibility for their contribution to modern slavery risk, and whether the Australian Modern Slavery Act was motivating the corporate responsibility required to address modern slavery in fashion supply chains.

Research informing these responses:

Dr O'Brien and Dr Coneybeer have recently prepared a report (O'Brien and Coneybeer 2025), to be released imminently, which summarises the findings of research funded by the Australian Research Council. The report (attached to this submission) provides a mapping of Australian civil society's mobilisations of consumers on modern slavery, insights from interviews with representatives of anti-slavery organisations, and analysis of Australian fashion companies' Modern Slavery Act statements and tools adopted to combat severe labour exploitation in supply chains.

Consultation questions:

1. Considering the functions defined in Section 20C of the Modern Slavery Act, what are the key priorities for the Commissioner in 2025-2028? This relates to the most important areas of work for the Commissioner to address.

The key priorities for the Australian Anti-Slavery Commissioner should be:

- Promoting compliance with the MSA, and improved corporate action
- Promoting collaboration and engagement
- Engagement with victims
- Education and awareness-raising, specifically with consumers and investors

In relations to Section 20C(a) and (b): Promoting compliance and company action

Corporate compliance with the Modern Slavery Act has been criticised as superficial. To date, companies have largely treated publishing a modern slavery statement as a "box-ticking" exercise, as opposed to legitimately engaging with modern slavery risks and substantively addressing them. Research led by Dr Coneybeer analysing fashion companies' responses to the Act found that their anti-slavery action (e.g., audits, codes of conduct, policies) largely ignored how the company themselves contributed to modern slavery risks (Coneybeer et al. 2023). Instead, corporate anti-slavery actions largely placed blame and responsibility on their suppliers (largely located in the Global South). Considering the link between fashion company practices (demands for low prices, quick turnaround) and the degradation of working conditions for workers, it is critical that fashion companies address their own practices that contribute to modern slavery risk.

In research led by Dr O'Brien interviewing representations of Australian anti-slavery civil society organisations, we found that organisations that have attempted to analyse the statements produced in compliance with the Modern Slavery Act indicated that very few companies' statements referred to evidence-based changes (O'Brien and Coneybeer 2025). Interviewees reported that companies were perhaps getting better at identifying risks, by learning from others within their sector. But they had not moved to the stage of actually addressing those risks. This finding is consistent with the findings of the landmark *Paper Promises (Sinclair et al. 2022)* and *Broken Promises (Dinshaw et al. 2022)* reports. Many interviewees indicated that they would like the government to mandate that companies include in their statements a status report on the promises made in the previous iteration of their statements, to encourage a culture of year-on-year improvement. This recommendation was also strongly supported by the anti-slavery civil society sector in the Review of Australia's Modern Slavery Act conducted in 2023 (McMillan 2023).

In relation to Section 20C(c): Promoting collaboration and engagement

Fundamentally modern slavery will only be addressed where there is collective will and action to address the structural/systemic issues that contribute to the problem's proliferation. Civil society organisations (CSOs) have played a key role in supporting businesses to develop improved due diligence and remediation practices. Further

research is required to identify sector-specific approaches to finding, fixing, and preventing modern slavery in supply chains through multi-stakeholder initiatives.

Coneybeer's research found that stakeholders in the fashion industry in India were being made to take on the burden of responsibility to address modern slavery, in part as a result of companies' responses to modern slavery regulations such as the Australian Modern Slavery Act. Coneybeer's research (summarised in the report attached) highlights how suppliers at the centre of modern slavery issues were largely being left out of conversations with their buyers (fashion companies) on the implementation of anti-slavery tools. It is critical ensure such critical partners are involved in helping prevent and remediate modern slavery, in addition to unions and worker representatives, to adequately share responsibility and implement effective, culturally, and contextually relevant anti-slavery tools.

In relation to Section 20C(d) and (e): Engaging with victims

Engagement and support of people with lived experience falls outside our expertise. However, we believe in the importance of supporting people with lived experience and engaging/collaborating with survivors to support the mitigation and remediation of modern slavery and thus wished to stress this area as a key priority for the Anti-Slavery Commissioner. Additionally, it is important to recognise the importance of collaborating and engaging with representatives of vulnerable communities who are given authority to speak on behalf survivors and/or at-risk persons.

In relation to Section 20C(f): Education and community awareness including consumers and investors

Australia's Modern Slavery Act can be described as a 'disclosure regulation', premised on the assumption that market actors (i.e. consumers and investors) will hold corporations accountable for their performance. In a prior submission to the Modern Slavery Act Review (O'Brien et al. 2022) we stressed the importance of introducing penalties for non-compliance with the Act. However, in the absence of penalties, there is an urgent need to resource efforts to enable consumers and investors to serve as an accountability mechanism for the Act.

Research led by Dr O'Brien, funded by the Australian Research Council, has found that consumer mobilisations on modern slavery in Australia are concentrated to the food and fashion industries (O'Brien and Coneybeer 2025). A significant majority of sectors (such as the mineral resources sector) are not susceptible to consumer action.

A significant ramping up of awareness-raising among consumers and investors is required to ensure that there is some form of accountability mechanism for the Modern Slavery Act. Consumer and investor awareness of modern slavery is very limited in comparison to other current global challenges such as climate change. The Anti-Slavery Commissioner's Office could play a role in resourcing or promoting awareness-raising campaigns. Importantly, there is a missing link in the accountability mechanism of the Modern Slavery Act. While the public repository gives access to corporations' modern slavery statements, these will not be read and easily understood by consumers and investors. They need assistance to be able to act on this information to serve as an accountability mechanism. Civil society organisations can serve an important function acting as expert intermediaries, translating the information

provided in Modern Slavery Act statements into digestible, understandable formats to be disseminated to consumers and investors. However, as one research interviewee declared, 'this is a very voluminous exercise' that is chronically under-resourced. The Anti-Slavery Commissioner's Office could also take on this task, with support from civil society organisations and other experts.

2. Considering the functions defined in Section 20C of the Modern Slavery Act, what principal objectives should the Commissioner work to achieve in 2025-2028? This relates to the goal(s) the Commissioner will work towards within a priority area.

In relations to Section 20C(a) and (b): Promoting compliance and company action

- Objective 1: Encourage companies to report against measurable year-on-year improvements in corporate antislavery actions and reporting quality
- Objective 2: Promote a cultural shift in corporate norms to prioritise human rights and wellbeing within supply chain governance

In relation to Section 20C(c): Promoting collaboration and engagement

Objective 3: Foster shared responsibility and cross-sectoral cooperation among key stakeholders to enhance mitigation and remediation efforts in addressing modern slavery

In relation to Section 20C(f): Education and community awareness including consumers and investors

- Objective 4: Maximise the accessibility and impact of submitted Modern Slavery Statements to inform and engage consumers, investors, and the wider community by resourcing civil society organisations to analyse and disseminate information to consumers and investors
- Objective 5: Investigate options for a broad, consumer-focused public awareness-raising campaign

In relation to Section 20C(g): Supporting research

Objective 6: Establish a multi-actor national research community focused on advancing modern slavery prevention, mitigation, and remediation through evidence-based collaboration across academia, industry, and civil society

3. Considering the functions defined in Section 20C of the Modern Slavery Act, what key actions should the Commissioner take to achieve these objectives? This relates to the activities that will help realise the goals.

In relations to Section 20C(a) and (b): Promoting compliance and company action

Action: The Commissioner should investigate and determine options to maximise the value of data included in modern slavery statements to drive compliance, and for use by consumers and investors.

Action: Publish industry-specific reports and guidance on mitigating and remediation modern slavery

Action: The Commissioner should facilitate feedback to corporations on their anti-slavery tools/actions (e.g., audits, grievance mechanisms), ideally driven by industry experts and stakeholders (potentially via a consultation group established in the below recommendation), and their potential to have a positive impact on mitigating modern slavery and/or adequately remediating identified modern slavery abuses.

In relation to Section 20C(c): Promoting collaboration and engagement

Action: Establish high-risk industry consultation groups

The ASC should establish/designate funding to establish industry-specific consultation groups for high-risk industries. It is critically important that corporations work together to ameliorate working conditions in their shared supply chains. In the fashion industry, there are examples to look to where the industry has come together to facilitate remediation for the Rana Plaza collapse (The Rana Plaza Fund). High risk industries where there are often shared supply chains (such as the fashion industry) have a unique opportunity to work together to mitigate and remediate modern slavery risks. Consultation groups should seek to work with civil society and industry stakeholders (importantly including union/worker representation) to establish collaborative remediation and mitigation initiatives. Such initiatives could include acting on poverty wages via living wage initiatives, industry-standard purchasing practices (collaboratively agreed upon with suppliers and workers), establish remediation funds, and establish shared monitoring schemes that enable shared responsibility amongst corporations and suppliers and reduce the burden on suppliers to meet company-driven compliance standards. Additionally, stakeholders who are the centre of modern slavery issues (often situated in the Global South) should be brought into conversations to provide local contextual knowledge and industry expertise to improve anti-slavery responses and drive corporate accountability.

In relation to Section 20C(f): Education and community awareness including consumers and investors

Action: Resource expert intermediaries to make modern slavery statements accessible and digestible for consumers and investors

To enable consumers and other market actors such as investors to serve as some form of accountability mechanism for the MSA, there is a need to address the 'missing link' between the information provided in MSA statements, and the ability of consumers and investors to act on that information (O'Brien and Coneybeer 2025). Resourcing expert

intermediaries to serve this function is essential. This function could be served from within the Australian government, though is perhaps better served by civil society organisations with extensive expertise on modern slavery in supply chains.

Action: Establish an awareness-raising campaign targeted at consumers, and specifically younger generations, to educate them on modern slavery and the labour behind their consumer goods and services. While we understand resourcing is limited, this could be achieved through an industry/civil society/academia partnership, with funding provided by corporate actors committed to addressing modern slavery.

In relation to Section 20C(g): Support research

Action: Establish a research agenda in collaboration with industry, civil society, and academia

Action: Clarify arrangements for ongoing research into ways to combat modern slavery – i.e. will the National Action Plan continue to fund research in priority areas? Could a Modern Slavery Policy and Evidence Centre (similar to the UK organisation) be established and supported in part by the Anti-Slavery Commissioner's Office?

4. How should the Commissioner's progress towards achieving the principal objectives be measured? In relations to Section 20C(a) and (b): Promoting compliance and company action

- Objective 1: Achieve measurable year-on-year improvements in corporate anti-slavery actions and reporting quality
- Objective 2: Promote a cultural shift in corporate norms to prioritise human rights and wellbeing within supply chain governance

Year-on-year improvements on the quality of anti-slavery actions should also indicate a cultural shift in norms towards centring human rights and wellbeing. Analysis of Modern Slavery Statements should assess whether anti-slavery actions disclosed in the statements might be categorised as substantive. Coneybeer's existing research analysing fashion companies' anti-slavery tools provides a baseline approach for investigating whether companies are adequately reflecting on how their practices contribute to modern slavery (Coneybeer et al. 2023). Where companies recognise and act on their own practices that contribute to modern slavery risk (e.g., demands for lower prices that do not allow for living wages), such action would demonstrate a cultural shift in norms.

Funded research could further build upon existing research to identify substantive anti-slavery actions according to different industry contexts.

In relation to Section 20C(c): Promoting collaboration and engagement

Objective 3: Foster shared responsibility and cross-sectoral cooperation among key stakeholders to enhance mitigation and remediation efforts in addressing modern slavery

Measure collaboration and engagement according to:

establishment of consultation groups (how many across industries?)

- actors involved in consultation groups (how many and whether they are key actors?)
- outcome of consultation groups (collaborations, initiatives)

In relation to Section 20C(f): Education and community awareness including consumers and investors

Objective 4: Maximise the accessibility and impact of submitted Modern Slavery Statements to inform and engage consumers, investors, and the wider community

This objective can be measured by establishing how reports are being used (by funding research) and measuring year on year whether this data is improving – is the data more useable? – is the data informing consumer and investor decisions?

In relation to Section 20C(g): Supporting research

Objective 5: Establish a multi-actor national research community focused on advancing modern slavery prevention, mitigation, and remediation through evidence-based collaboration across academia, industry, and civil society

Objective can be measured based on the establishment of this group, and creation of targeted research priority areas.

5. Is there any other information you wish for the Commissioner to consider in the development of the Strategic Plan?

Attached to this submission is a research report to be released imminently summarising the findings of two research projects conducted by Dr O'Brien and Dr Coneybeer. In addition to this report, the Anti-Slavery Commissioner's Office staff may wish to consult our other published work on this topic:

See Associate Professor Erin O'Brien's research outputs <u>here</u>.

See Dr Justine Coneybeer's research outputs here.

In addition, Dr O'Brien and Dr Coneybeer have papers-in-progress that may be provided to the ASC's office on request on the following topics:

- Civil society organisations mobilising ethical consumerism to combat modern slavery acting as regulatory intermediaries (Dr O'Brien)
- A constellation model for enabling fashion companies' shared responsibility for modern slavery (Dr Coneybeer)
- Indian stakeholder perspectives on Australian-operating fashion companies anti-slavery tools (Dr Coneybeer)
- Naming, shaming, and faming: evolving strategies to catalyse corporate action on modern slavery (Dr O'Brien)

6. Do you wish to be contacted for consultation on the initial draft of the Strategic Plan as set out in phase II?

Yes, both Erin O'Brien and Justine Coneybeer are available for further consultation.

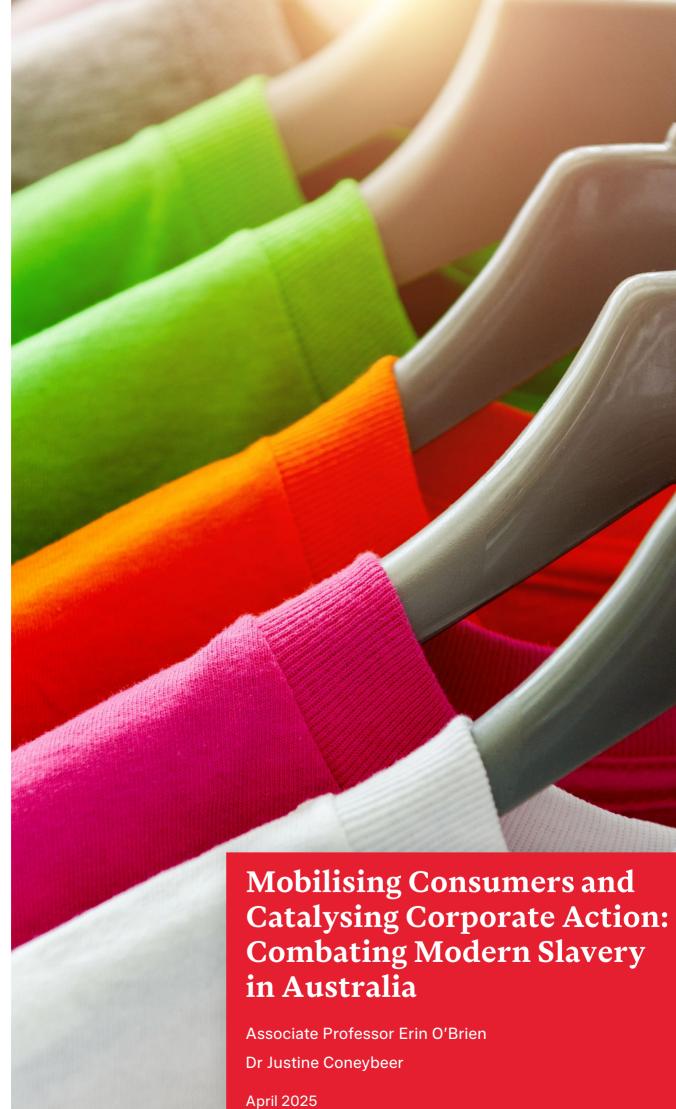
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In 2018, Australia introduced a Modern Slavery Act designed to catalyse corporations to combat forced labour, child labour and other forms of severe labour exploitation in their supply chains. Consumers were expected to serve as an accountability mechanism, punishing or rewarding corporations. This summarises the findings of two connected research projects. The first maps civil society organisations' initiatives to mobilise consumers on modern slavery, and gathers perspectives from anti-slavery activists on the role of consumers in efforts to combat modern slavery. The second examines how fashion companies have responded to the introduction of the Modern Slavery Act, analysing the level of responsibility-taking by corporations to combat modern slavery.

Contents

Contents	06
Executive Summary	(2
Authors and acknowledgements	3
Introduction and Policy Context	4
Part 1: Mapping consumer mobilisations	9
Part 2: Perspectives on consumer power	12
- The impact of Australia's Modern Slavery Act	12
- Assessing existing consumer mobilisations	15
 Mitigating unintended consequences of consumer mobilisations 	18
- Evolving consumer mobilisation strategies	20
- Consumers as an accountability mechanism?	23
Part 3: Fashion industry MSA responses	26
- Fashion companies' self-regulation	27
- Framing of responsibility	29
- Global South perspectives	31
Recommendations for policy reform	33

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Executive Summary

PART 1: MAPPING CONSUMER **MOBILISATIONS**

This section shares the results of a study mapping Australian civil society organisation's (CSOs) current efforts to mobilise consumers to combat modern slavery, finding that while Australian CSOs promote ethical consumerism as an important tool to combat modern slavery, existing initiatives are too few, and limited in their scope.

PART 2: PERSPECTIVES ON **CONSUMER POWER**

This section shares the results of interviews with Australian anti-slavery activists, finding that while consumers have a role to play, they should not be the main accountability mechanism for the Modern Slavery Act. They agree on a need for further government regulation to catalyse corporate action, and funding for intermediaries to inform and mobilise consumers.

PART 3: FASHION INDUSTRY **RESPONSES TO THE MSA**

This section shares the results of a study into fashion companies' responses to the Australian Modern Slavery Act, finding that while some efforts have been made to address modern slavery in supply chains, responsibility is often evaded, or delegated to more vulnerable actors in the supply chain.

Authors



Dr Erin O'Brien is an Associate Professor in the School of Government and International Relations at Griffith University in Australia. Her research examines the interplay between political activists, market actors, and the state in the construction of knowledge and formation of policy to combat global problems including modern slavery and climate change. Her current research focuses on the mobilisation of consumers and investors (political consumerism and political investorism) for social and political causes. She is the author of two books and numerous journal articles on human trafficking and modern slavery.



Dr Justine Coneybeer is a Postdoctoral Research Fellow at the School of International Relations and Government at Griffith University in Australia. She recently completed her PhD thesis entitled "Taking Responsibility? A Critical Analysis of Fashion Companies' Responses to the Australian Modern Slavery Act". Her doctoral thesis was particularly interested in whether fashion companies were taking responsibility for their contribution to modern slavery risk, and whether the Australian Modern Slavery Act was motivating the corporate responsibility required to address modern slavery in fashion supply chains.

Acknowledgements

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Dr O'Brien's research for this report was supported by funding from the Australian Research Council with a Discovery Early Career Researcher Award (DECRA) Fellowship (DE210100735). Dr Coneybeer's research for this report was supported by a QUT Amplify Postgraduate Research Scholarship and the Australia India Institute.

Research assistance acknowledgement:

Dr O'Brien thanks Dr Tara Stringer for research assistance with data collection for Part 1. Dr Coneybeer thanks Associate Professor Erin O'Brien, Associate Professor Bree Hurst, Professor Alice Payne, and Dr Zoe Mellick for PhD supervision throughout the conduct of this research project.

Acknowledgement of Country:

Griffith University acknowledges the people who are the traditional custodians of the land and pays respect to the Elders, past and present, and extends that respect to all Aboriginal and Torres Strait Islander peoples.

Introduction

In 2018, the Australian Government introduced the nation's first legislation to address modern slavery in the form of child labour, forced labour, and severe labour exploitation in Australian companies' operations and supply chains. The *Modern Slavery Act 2018* (Cth) (MSA) requires large companies with annual revenue exceeding \$100 million to produce a publicly accessible statement on the risk of modern slavery in their operations and supply chains, detailing the actions they have taken to address that risk, and the effectiveness of those actions. However, the legislation does not prescribe any penalties for non-compliance with the reporting requirements. Nor are there penalties for inaction on modern slavery risks or even for inaccurate reporting. Instead, the disclosure regulation approach of the MSA is intended to catalyse a 'race to the top' among companies, with 'the market' (meaning consumers and investors) to serve as an accountability mechanism, rewarding the top performers while punishing the laggards.

This report presents the findings of two linked research projects examining responses to the introduction of Australia's Modern Slavery Act. The first research project investigated civil society organisations' efforts to mobilise consumers on modern slavery. The findings presented in this report include a mapping of consumer mobilisations on modern slavery in Australia, and insights from interviews with anti-slavery advocates, highlighting the potential and limitations of relying on consumers to serve as an accountability mechanism. A quote from one interviewee summarises the perspectives of many interviewees, and perfectly encapsulates a core problem with the implementation of Australia's Modern Slavery Act:

Frankly, the regulation of the Act has been outsourced to civil society ... it's "the market", with the market being NGOs that exist on the smell of an oily rag.

The second research project summarised in this report considers how corporations have responded to the introduction of the Modern Slavery Act, with a case study of fashion companies' approaches to modern slavery. The project found that fashion companies predominately implement coercive antislavery tools that shift responsibility to suppliers, neglecting how their own internal practices contribute to modern slavery risks.

The findings from both studies point to significant shortfalls in the Modern Slavery Act's power to catalyse action on modern slavery. Based on these findings, recommendations for policy reform (see page 34) focus on the importance of supporting expert intermediaries to empower consumers to act on modern slavery, and developing stronger accountability and regulatory mechanisms to catalyse corporate action on modern slavery. The overwhelming research finding is that government has a much stronger role to play in informing consumers, and regulating corporate actors.

Policy context

Australia's Modern Slavery Act is consistent with a wider global trend of addressing modern slavery through disclosure regulations. 'Disclosure' or 'transparency' regulation legislates the mandatory disclosure of information (Weil et al., 2006, 155) and has been used to advance a business and human rights policy agenda. Since 2010, governments around the world have increasingly adopted, or proposed, human rights disclosure regulations. Figure 1 below demonstrates the trend towards modern slavery legislation that incentivises or mandates greater due diligence and transparency.

The trend towards disclosure regulations to address human rights abuses related to business practices began with the introduction of the California *Transparency in Supply Chains Act* legislated in 2010. The law mandates that Californian retailers and manufacturers with annual revenue exceeding \$100 million disclose their strategies to combat human trafficking and slavery within their supply chains, typically via a statement on their corporate website. Five years later the United Kingdom introduced a *Modern Slavery Act 2015* which replicated many of the transparency and disclosure qualities of the California legislation, yet broadened the scope to all businesses with annual turnover above £36 million, and appointed the world's first Anti-Slavery Commissioner.

The Australian legislation is largely modelled on the United Kingdom's MSA 2015 with a few differences. The Australian MSA has a centralised public register of modern slavery statements hosted by the Attorney-General's Department. However, the initial Australian legislation did not include provision for an Anti-Slavery Commissioner. In 2022, the Australian Government commissioned a review of the Act, resulting in the 2023 McMillan Report which issued recommendations to the government for revising the Act. In late 2024, the Australian Government

handed down their response to the report. Not all of the recommendations were agreed to (25 of the 30). However, following further consultation in late 2024, the MSA was amended to allow for an Anti-Slavery Commissioner, and Mr Chris Evans was appointed to the role.

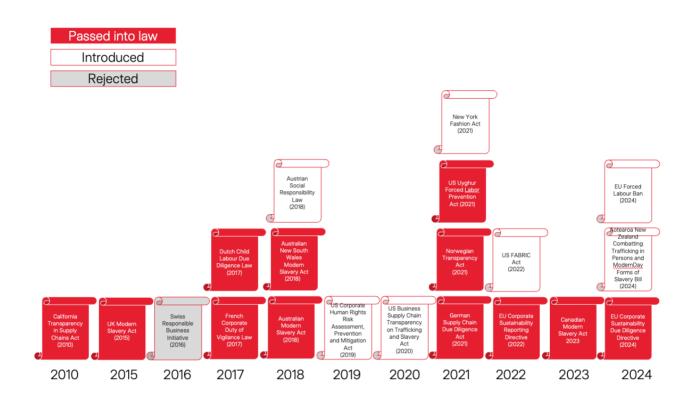


Figure 1: Global Human Rights Disclosure / Due Diligence Legislation

The global legislative trend towards transparency-based regulations on modern slavery has further taken hold in numerous jurisdictions including Germany, Brazil, France, Hong Kong, the Netherlands, Canada and Switzerland, where governments have considered introducing similar disclosure regulations (see Figure 1).

More stringent legislation targeting human rights abuses in supply chains has also been introduced by some jurisdictions, including the European Union Corporate Sustainability Due Diligence Directive (CSDDD), and the United States of America's *Uyghur Forced Labor Prevention Act 2021* (UFLPA). The EU's CSDDD, described as the due diligence law "most aligned with international UN and OECD standards on human rights in business" (BHRRC 2024), entered into force in mid-2024¹. The legislation is by far the most substantial legislation in this domain and includes: civil liability

¹ However, there are concerns that the EU Commission's proposed Omnibus Package might roll back human rights and environmental due diligence laws such as the CSDDD.

mechanisms for judicial remedy, mandatory stakeholder engagement with rightsholders, and requires a more stringent 'due diligence' approach to identifying human rights risks.

The United States *Uyghur Forced Labor Prevention Act 2021* (UFLPA) was implemented to specifically target forced labour in the Xinjiang region of China. The laws established a rebuttable assumption that products made wholly or in part in Xinjiang, or produced by a blacklisted UFLPA company, are banned from importing into the United States (United States Department of State, 2025). To avoid the import ban restrictions, companies are required to provide detailed documentation that demonstrates effective due diligence, supply chain tracing, and management measures to ensure imported goods are not made using forced labour. While other countries² have forced labour import bans, the UFLPA is the most stringent by means of compliance requirements and penalties (seizure and forfeiture of goods).

In comparison to the UFLPA, disclosure regulations like the Australian Modern Slavery Act have been criticised for failing to mandate corporate responsibility for addressing human rights abuses in supply chains. This criticism is consistent with scholarly critiques of disclosure regulations as largely ineffectual unless they include a strong enforcement mechanism (Fung et al 2007, 39).

Consumers as an accountability mechanism for the MSA?

When the Modern Slavery Act was introduced in Australia, policy discourse concerning an accountability mechanism for the Act was notably limited. However, the discussion during Parliamentary Hearings, and the Explanatory Memoranda released by the Government when the Modern Slavery Act was adopted reflected a clear assumption that corporations would be held accountable by 'the market', and specifically consumers, through ethical consumerism.

Ethical, or political, consumerism is one of the most common ways in which citizens engage in political action (Copeland 2014, 172), with a long history as an anti-slavery activist strategy (Glickman 2004, 889-990). Ethical consumerism is often also used as a form of decentred regulation (Black 2002), and increasingly invoked as an alternative when governments lack either the will or ability to regulate the actions of corporate actors (Micheletti 2010, 9). Ethical, or political, consumerism is the decision by consumers to avoid or patronise certain brands and products for political and ideological reasons (Micheletti 2013). However, for ethical consumerism to be an effective approach to regulating corporate action, citizens need information and guidance.

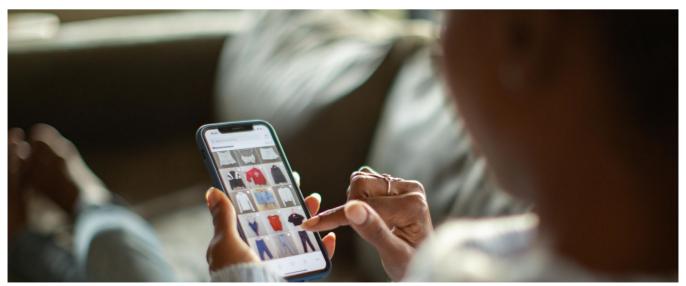
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² The 2020 United States-Mexico-Canada Agreement (USMCA) on trade includes provisions for import bans for good produced by forced labour, however, does not include a rebuttable assumption.

Civil society organisations are the primary type of actor enabling ethical consumerism. Prior research has found that anti-slavery groups enable ethical consumerism in various ways. For example, Stop the Traffik called for a 2016 Easter chocolate boycott of Sainsbury's in the UK (O'Brien 2019, 101), while Slavery Footprint.org used an online survey to show consumers the human rights abuses connected to household products (O'Brien 2018, 62). However, there are persistent concerns about the willingness and capacity of consumers to hold corporations accountable for modern slavery (Stringer et al. 2021, Carrington et al. 2021, 2023).

When the MSA 2018 was established, the expectation was that consumers, alongside non-government organisations (NGOs) and investors, would be able to use those statements to punish or reward corporations for their performance. The first reports submitted under the *MSA 2018* were published in 2020. The Australian Government created an open access digital repository of all the reports received in compliance with the Act, to facilitate "scrutiny by NGOs, investors and consumers" (Parliament of Australia 2017, 33). However, there is a wide gap between the provision of reports, and consumers being able to understand and act on the information they provide. NGOs were expected to bridge that gap, by assessing corporations' performance, and providing the information and mechanisms to facilitate ethical consumerism (Parliament of Australia 2018, 11).

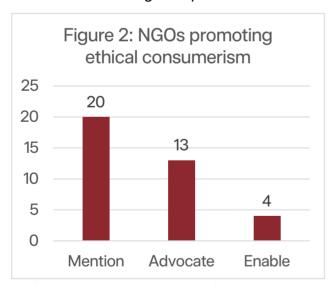
In this policy context, where consumers are relied upon as an accountability mechanism for the Modern Slavery Act, this research has sought to determine the extent to which civil society organisations are mobilising consumer action on modern slavery. This report summarises key findings from a wider research project mapping existing consumer mobilisations on modern slavery in Australia, interviewing representatives of anti-slavery organisations, and investigating corporations' responses to the introduction of the Modern Slavery Act. In presenting these findings, this report highlights the potential and limitations of relying on ethical consumerism mobilised by civil society as a tool to combat modern slavery.



Part 1: Mapping consumer mobilisations

To investigate whether consumers may be able to serve as an accountability mechanism for Australia's Modern Slavery Act this research began by mapping initiatives that seek to mobilise consumers on the issue of modern slavery. To achieve this, detailed content analysis was undertaken of Australian anti-slavery civil society organisations' website and campaign materials to identify the extent to which these organisations have sought to mobilise consumers. Through this process, key initiatives, campaigns, or tools of mobilisation were also identified. A total of 23 organisations were examined. These organisations all operate at a national level, and include civil society organisations that focus exclusively on the issue of modern slavery, as well as those with a broader remit but for whom modern slavery, or severe labour exploitation, is the subject of an ongoing campaign.

Current efforts by civil society organisations to engage consumers on the issue of modern slavery can be classified across three tiers that denote the extent of their engagement. Organisations can *mention* ethical consumerism as a tool to combat modern slavery, they can *advocate* for greater ethical consumerism by providing information and calls to action, or they can *enable* ethical consumerism through the provision of tools such as scorecards or ratings systems.



Across the group of 23 anti-slavery campaigns from Australian civil society, the vast majority (20) mention in their public-facing materials that ethical consumerism is an important tool to combat modern slavery. Just over half of those organisations (13) also actively advocate for more consumer engagement by providing information. For example, the Everyday Slavery initiative provides short videos on Instagram educating consumers about the labour exploitation involved in the production of their consumer goods

and services. ACRATH strongly encourage consumers to take action, and link to tools and initiatives provided by other groups such as Baptist World Aid's Ethical Fashion Guide. Fewer than 20% of organisations (4) also actively enable consumers to boycott or buycott certain brands and products. For example, Baptist World Aid and Be Slavery Free provide scorecards giving ratings to brands based on their efforts to prevent modern slavery in their supply chains.

Notably, all four initiatives enabling Australian consumers to engage in boycotts and buycotts existed prior to the introduction of the Modern Slavery Act. This indicates that the introduction of the Act has not catalysed the development of new tools to enable consumers. However, interviewees involved in three of these initiatives indicate that they do now review corporations' MSA statements as part of their ratings process. So, while the MSA has not fuelled a flurry of activity by civil society to engage consumers, the statements have provided an additional data point and measure of transparency for existing rating initiatives.

Anti-slavery organisations' efforts to engage consumers on the issue of modern slavery were also mapped across different types of 'political consumerism'. This includes 'boycotts', the refusal to patronise certain brands or products to punish corporations, 'buycotts', the intentional selection of certain brands and products aligned to reward corporations, and 'dualcotts' (Copeland 2014), the enabling of both a boycott and a buycott across a single product type. Political consumerism also includes 'discursive political consumerism', the act of sharing information and questioning the ethics and values behind the production of goods and services, and 'lifestyle commitments', governing the majority of consumption choices such as vegetarianism.

Examining the anti-slavery sector in Australia, the majority (54%) of organisations that seek to engage consumers on the issue of modern slavery can be described as discursive only. Just under a quarter (21%) of the engagements called for buycotts, while the remaining quarter (25%) called for dualcotts. Notably, no initiatives promoted a boycott as a single strategy. Calls for a boycott were always accompanied by calls for a buycott. As a result, half of the initiatives actively calling for corporations to be punished or rewarded for their efforts on modern slavery overwhelmingly favoured a reward orientation with either a buycott or a dualcott approach.

Almost all of the campaigns and initiatives that advocate for and enable consumer activism on modern slavery are, understandably, heavily focused on consumer-facing industries. Three exclusively focus on fashion and apparel, while the fourth focuses on agriculture and food (specifically chocolate). Fashion and food companies represent only 11% of all companies submitting statements in compliance with the Modern Slavery Act.



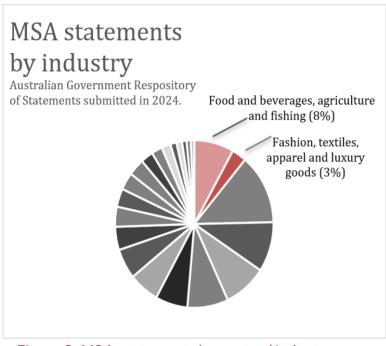


Figure 3: MSA statements by sector / industry

The clustering of consumer mobilisation to a small portion of industries highlights an inherent limitation of relying on consumers to serve as the accountability mechanism for the Modern Slavery Act. A significant majority of sectors (such as the mineral resources sector) are not susceptible to consumer action. This limitation has already been recognised, as civil society has sought to develop other sector-specific initiatives improve corporate accountability on modern slavery that are not as reliant on consumers.

For instance, the Finance Against Slavery and Trafficking (FAST) initiative, and related Investors Against Slavery and Trafficking (IAST) initiative, promote anti-slavery actions for banks, asset managers, and other financial actors, instead looking to engage and mobilise investors to contribute to efforts to combat modern slavery. As investors have leverage in a broader range of industries, they may have greater capacity to catalyse corporate action than consumers through acts of political investorism including shareholder resolutions, divestment campaigns, and pressure campaigns on banks and superannuation/pension funds (O'Brien et al., 2023).

Overall, the mapping of consumer mobilisation initiatives on modern slavery in Australia yields three important findings. First, enabling efforts are clustered in an understandably small number of industries where consumers may have most impact, but the vast majority of sectors cannot be held accountable by consumers. Second, the majority of initiatives favour a discursive approach, indicating that the anti-slavery sector still sees a clear need to raise awareness of the connection between consumers and modern slavery, before mobilisations progress to more active boycott or buycott activities. Third, initiatives that go beyond awareness-raising and call for action from consumers to punish or reward corporations lean heavily towards a reward orientation, with either a buycott or dualcott approach. Interviews with civil society organisation representatives engaged in efforts to mobilise consumers on modern slavery (discussed in the next section) illustrate some of the reasons for these approaches to engaging consumers, and demonstrate significant scepticism about the capacity of consumers to be an effective accountability mechanism for Australia's Modern Slavery Act in the current context.

Part 2: Perspectives on consumers' power to combat modern slavery

This section reports on findings from interviews with 26 anti-slavery campaigners. The majority of interviewees (22) are representatives of civil society organisations that are either anti-slavery focused, or have exploitative labour as a high campaigning priority. The civil society organisations represented include multi-national as well as Australia and UK-based NGOs. The organisations represented include groups that focus on service provision to those impacted by slavery and trafficking, groups engaged primarily in policy advocacy, and groups that actively mobilise consumers or investors to act on the issue of modern slavery. In addition, several interviewees (4) represent private firms who engage with major corporations to support greater corporate social responsibility on the issue of modern slavery³.

These key stakeholders offer important perspectives about whether consumers can serve as an accountability mechanism for Australia's Modern Slavery Act. This section shares their perspectives on a range of issues including: the impact of the MSA to date, the utility of the statements produced in compliance with the MSA, the potential benefits and limitations of existing efforts to mobilising consumers on modern slavery; the effectiveness of name and shame versus name and fame approaches; and the future potential of consumers as an accountability mechanism.

The impact of Australia's Modern Slavery Act

Key Findings

- The Modern Slavery Act in its current form does not encourage 'iterative improvement' as, year
 on year, companies do not appear to be improving their modern slavery prevention efforts.
- The statements are not easily translated for use by consumers.

Interviewee respondents overwhelmingly reported that while the Modern Slavery Act has had some positive impact by raising awareness among corporations, and providing a catalyst for corporations to commence investigations of their supply chains, ultimately the Act's impact has been quite limited.

³ All interviewee's quotes in this section have been anonymized. Where necessary to provide context, an indication of the type of organization the interviewee represents has been provided.

Interviewees had two primary criticisms – that the MSA has failed to encourage iterative improvement, and that the statements are not a useable information source to mobilise consumers or investors as an accountability mechanism.

The Modern Slavery Act has failed to encourage ongoing improvement

Interviewees indicated that a major problem with the current structure of Australia's Modern Slavery Act is that it does not actively catalyse ongoing improvement. As one interviewee explained:

After the first flurry of statements in the first year or two, there really wasn't much discernible change ... the same thing was just being rolled out year after year.

Representatives of NGOs who have attempted to analyse the statements produced in compliance with the Modern Slavery Act indicated that very few companies' statements referred to evidence-based changes. Interviewees reported that companies were perhaps getting better at identifying risks, by learning from others within their sector. But they had not moved to the stage of actually addressing those risks. This finding is consistent with the findings of the landmark *Paper Promises* (Sinclair et al., 2022) and *Broken Promises* (*Dinshaw et al., 2022*) reports. Many interviewees indicated that they would like the government to mandate that companies include in their statements a status report on the promises made in the previous iteration of their statements, to encourage a culture of year-on-year improvement. This recommendation was also strongly supported by the anti-slavery civil society sector in the Review of Australia's Modern Slavery Act conducted in 2023 (McMillan, 2023). The majority of interviewees criticised the compliance statements as more akin to a corporate marketing tool, than a genuine effort at transparency. A snapshot of comments from five interviewees paints a bleak picture of the utility of the statements as a genuine form of disclosure:

It's all very de-sanitised and corporatised with glossy pictures.

Some of them are glossy mega marketing magazines.

I think the bar is just set wrong ... The bar is all about what you report. Rather than what you do

Those statements are a reflection of their ability to communicate, rather than their ability to do things

There is still too much fluff

Overall, interviewees agreed that the provision of modern slavery statements was better than nothing at all. However, as a mechanism to catalyse improved corporate action, there was shared concern that the Modern Slavery Act's effectiveness may stall without additional mandated elements.

MSA statements are insufficient to enable consumers to hold corporations accountable.

The government's intention in mandating corporate statements was, in part, that this would provide information to inform other actors, specifically NGOs, consumers, and investors, who could then punish or reward corporations for their efforts to address modern slavery. Thus, this research sought interviewees' perspectives on the utility of these statements for consumers, or NGOs seeking to enable consumers to hold corporations accountable. Overall, interviewees agreed that it is extremely difficult for these statements to serve as a source of information for consumers to enable ethical consumerism. Indeed, one interviewee argued that:

This idea that consumers and investors would look at a modern slavery statement and decide whether they could buy from the company or not [is] one of the weaknesses [of the Modern Slavery Act].

None of the interviewees believed that consumers would unilaterally opt to read modern slavery statements, to inform their consumption decisions. The clear assumption conveyed by the legislation was that NGOs would do the work of accessing, comparing, and translating the statements into useable, actionable information for consumers. However, many interviewees felt that this was an unlikely reality for two reasons.

First, the current structure of the statements was seen as difficult to assess, due in part due to the concern noted above that the reports often focus more on reputation management and broad value statements condemning modern slavery, rather than on providing detailed information about prevention and remediation. The lack of a more consistent template for reporting was seen as a challenge for translating the information to wider audiences. As one interviewee commented:

It's a mess to read. It's just impossible.

A second major obstacle to using the statements to inform consumers was the effort required to undertake the task of assessment, comparison, and translation. Interviewees all agreed that this task was beyond the everyday operations and budgets of anti-slavery NGOs:

It's a very voluminous exercise to review them.

Several interviewees felt that the assessment task should not be delegated to civil society, with one arguing that the task should instead be undertaken by the government.

Assessing existing efforts to mobilise consumers

Key Findings

- Existing initiatives can help to mobilise political consumerism and directed citizen activism, but lack of broader public awareness limits their impact.
- Using a 'scorecard' approach does catalyse some corporations to act on modern slavery, but government regulation is needed for the 'laggards'.

Since the introduction of Australia's Modern Slavery Act, no new tools have been developed to mobilise consumers, and very few new initiatives have emerged (noting the important exception of the Everyday Slavery awareness-raising initiative). As noted above, existing initiatives do now rely upon the modern slavery statements as part of their rating exercise, but there are still significant obstacles to mobilising consumers to take action on modern slavery.

Lack of public awareness limits the consumer mobilisation

All those interviewed agreed that there is an important place for consumer-focused initiatives on modern slavery. Information-sharing initiatives such as Good on You's App, Baptist World Aid's Ethical Fashion Guide, Oxfam's Naughty or Nice List, and Be Slavery Free's Chocolate Scorecard were all seen as welcome additions to the public discourse on modern slavery. Organisers behind those initiatives confirmed that they do see consumption-based action emerging from these Apps, with companies reporting increased traffic to their websites when they receive higher rankings. In addition, interviewees that organise these initiatives reported that they have spurred citizen activism beyond purchasing behaviour. Companies who have been rated by these initiatives have reported receiving significant contact from consumers concerned about low rankings, or expressing support for a company's efforts. One interviewee from an organisation that runs an initiative to mobilise consumer and citizen action said:

Companies have received a lot of e-emails, calls ... through consumers just taking the initiative to contact companies and give them feedback when they've been surprised or haven't been happy with the score the company has received.

While this is not a boycott or a buycott, this discursive form of political consumerism highlights that the benefits of these initiatives go beyond merely harnessing purchasing power, and can also spark direct citizen lobbying of corporations.

A major limitation of these initiatives observed by several interviewees is that they are primarily read and used by people who are already aware of the problem of modern slavery, and have actively sought out these tools to align their consumption choice with their values. All interviewees agreed that baseline public awareness about how consumption practices contribute to modern slavery is still incredibly low. One interviewee summarised this clearly:

They're [mobilisation initiatives] all by their nature limited, because they are only consumed by people that are concerned. At the moment, it's very much a talking to the concerned and the already informed.

Interviewees noted that government efforts to date have focused primarily on raising awareness among businesses about the importance of due diligence, and the reporting requirements of the Modern Slavery Act. However, many agreed they would like to see a bigger effort put towards raising consumers' awareness. Interviewees explained:

The government did do well, in terms of awareness raising amongst businesses who would be affected. But it hasn't branched out more broadly into general consumer dialogue or awareness.

I think there's a lot of work that needs to be done to educate that particular base [everyday consumers]. I think, once you start to activate that, we're going to be in a much better place.

Scorecard approach catalyses only some corporations to act on modern slavery

Despite the view from interviewees that existing initiatives were limited in their ability to mobilise consumers, largely due to a lack of broader public awareness, there were other related benefits to these consumer-focused initiatives – most notably that they can target a dual consumer/corporation audience, and encourage a competitive response by corporations.

Interviewees agreed that while consumers were the primary audience for these initiatives, corporations were a clear secondary audience, and arguably more responsive than consumers. Representatives of NGOs that organise consumer-focused initiatives explained that the two audiences of consumers and corporations are inherently interlinked. By creating a scorecard system to inform consumers, these NGOs are seeking to leverage consumer power, while also generating a competitive environment for companies. One interviewee explained this as:

We ultimately want to empower consumers to financially reward with their business ... But at the same time we want brands to be aware of the strengths and weaknesses and concerned about their reputation with all relevant stakeholders – consumers, investors, employees, civil society and government. [Our initiative] is a way to summarise their performance for all of those stakeholder groups, even if our primary audience for the ratings is directly or indirectly consumers.

The competitive element of the scorecards was seen as one impactful way to improve corporate responsibility-taking on modern slavery. Whether consumers used the scorecards to guide their consumption behaviour or not, these initiatives were seen as beneficial to

Harness the competitive energy of the market to drive a race to the top in human rights performance by companies.

Representatives of NGOs organising these initiatives reported that these scorecards had been an excellent way to engage corporations, by starting a conversation with brands that wish to raise their score.

Despite an overall positive view of the potential for these scorecard-based initiatives to drive action by corporations, interviewees also saw some limitations to this approach. First, there was concern that the impact on companies could be quite limited. While several companies were believed to 'watch their score change each year quite keenly', others felt that only those companies who were interested in improving their score would engage with the process, with no impact on the 'laggards' who are unbothered by low scores. One representative from an NGO that runs a scorecard initiative did say that in some instances it can generate action, even from very poor performers:

The ones that do really poorly are often the first ones to jump on the phone and threaten defamation ... They don't engage with you from the outset, and then they score poorly. Then at that point, they start the engagement process.

However, the broad view from interviewees was that:

These tools are really only relevant where you have companies who are already engaged in the discourse of human rights.

All interviewees agreed that for the true 'laggards' who will not be incentivised by the disclosure requirements of the MSA, or by scorecard-based initiatives, stronger government regulation was the only solution. Second, there was concern that the scorecard approach might be counterproductive in some circumstances, by disincentivising transparency. This concern will be the focus of the next section.

Mitigating unintended consequences of consumer mobilisations

Key Findings

- Companies are occasionally fearful of disclosure if the information causes a media scandal and backlash from consumers and shareholders.
- The culture around transparency needs to mature to acknowledge the issue exists and focus on what can be done to prevent modern slavery in supply chains.
- Fear of backlash is overblown as civil society has mitigated the potential negative impacts of disclosure for companies through education and evolving consumer mobilisation strategies.

Companies fear being transparent will lead to backlash

Companies have long argued against disclosure regulations on the basis that too much transparency could be harmful to their business interests. Interviewees who work directly with companies indicated that this concern is based partly on implications for legal liability for cases of modern slavery in their supply chains, but also on a broader concern about media reporting leading to consumer and shareholder backlash. One interviewee explained that public or consumer backlash on one company reporting instances of modern slavery could have a chilling impact on others being fully transparent:

You don't want to make companies hesitant to report their instances of modern slavery. I know from talking to some of them, that they are really worried that it will be a reputational risk. It will come up badly.

Among the interviewees, there was disagreement as to whether this chilling effect was actually occurring, with some interviewees suggesting this was merely evidence of some companies adopting excuses to shirk their responsibilities. However, all interviewees agreed that to facilitate greater transparency, the public debate around modern slavery in supply chains required greater nuance to prevent any potential disincentives to disclose.

The corporate culture and public discourse around transparency needs to mature

Interviewees agreed that to support greater transparency, it was necessary to evolve the conversation around modern slavery away from the notion that it just occurs in the case of a few bad apples, and instead understand that it is endemic across all supply chains in all industries. Several interviewees indicated that when corporations report zero instances of severe labour exploitation in their supply

chains, this is merely a sign that they have not been looking hard enough. One interviewee described this as a red flag:

If companies say they haven't found it, that's the red flag for me.

Another described the corporate culture around transparency on modern slavery as needing to mature, 'break the taboo', address the 'open secret', indicating that they often say to the companies:

Look, we've all got forced labour in our supply chains. Big deal. So what. Grow up. Stop being childish and deal with it.

All interviewees agreed that companies should work from the assumption that they do have modern slavery in their supply chains, and talk openly about how they found those instances, what they have done to remediate instances, and how they will prevent it in the future. However, to enable an environment where these disclosures are normalised, media, consumers, and shareholders also need education on what constitutes a scandal and cause for punishment.

Mitigating any chilling effect on transparency and disclosure

Civil society has played a key role in nuancing the public discourse around modern slavery, to support a transparency regime that does not punish corporate actors for disclosure. Most interviewees agreed that companies' concerns of a media or consumer backlash were overblown, as many anti-slavery organisations have already carefully calibrated their campaigns to support disclosure. Interviewees report that when companies do receive some negative publicity leading to consumer or shareholder backlash it is almost always in instances where they have failed to address labour exploitation in their supply chains, despite being aware of the problem for some time. As one interviewee explained:

The critique that they're really getting from the public is not that they've found it, but that they haven't fixed it. That's the issue.

Anti-slavery organisations have played an active role in efforts to prevent an unfair backlash on companies revealing instances of modern slavery in their supply chains. Several anti-slavery groups engaged in advocacy and media training to ensure that media responses were measured, and were critical only in instances where companies had done nothing to prevent modern slavery in their supply chains. One interviewee explains that:

A lot of work went in at the time of the Modern Slavery Act speaking with journalists and civil society – trying to explain that, actually, it's not that helpful if journalists are just after that "got you" moment with companies. Splattering them over the front page that slavery is found in their supply chains. Or when they volunteer that they have found it and have then also said how they've gone about remedying it.

Anti-slavery organisations directly involved in efforts to mobilise consumers were clearly aware of the importance of utilising strategies that would not create a chilling effect on disclosure. Instead, they promote transparency and disclosure by evolving consumer mobilisation strategies from a 'name and shame' to a 'name and fame' approach.

Evolving consumer mobilisation strategies

Key Findings

- There is a place for adversarial consumer mobilisations naming and shaming
- Anti-slavery organisations have also evolved a 'naming and faming' strategy to promote disclosure and engagement

Existing consumer mobilisation strategies typically adopt a scorecard approach. By benchmarking companies, some are inevitably rated higher, and others lower. This creates an implied 'dualcott', where consumers can boycott the low scorers, and buycott the high scorers, to punish or reward companies based on their efforts to prevent modern slavery in their supply chains. To mobilise consumers in this way, companies are inevitably 'named' but can either be 'shamed' (condemned) or 'famed' (celebrated). Interviewees reflected on the benefits of both shaming and faming approaches.

Naming and shaming

Interviewees agreed that there is a need for some form of condemnation for companies that refuse to engage in the process of preventing human rights abuses in their business practices. Shaming has a strategic place in mobilising corporate action, as it can bring attention to issues and catalyse corporate action. Several interviewees noted that for some companies, their shift towards taking serious action on modern slavery in supply chains did not occur until they were condemned by civil society organisations, targeted for consumer boycotts, and the subject of scandalous press reporting. One interviewee reflected on a series of reports about human rights abuses in the supply chain for apparel companies operating in the UK, noting that this ultimately led to a change in how these companies dealt with the problem:

A scandal is the best thing to get everybody's attention. The budgets for managing these programs [anti-slavery programs] went up significantly after those sorts of scandals.

All interviewees agreed that a shaming, condemnatory, approach was justified in circumstances where companies have refused to engage on human rights issues and been reluctant to disclose.

Consumer backlash against companies that have been transparent about instances of modern slavery in their supply chains, and who are actively trying to address the problem, was seen as misplaced. Instead, interviewees suggested that:

The backlash should be against where companies are not doing anything. There are a tonne that aren't doing anything.

However, interviewees also observed that sometimes a more adversarial, shaming, approach could be counterproductive, as it could shut down the chance of engagement with a company. Interviewees broadly agreed that, where possible, engagement with companies should be collaborative and supportive. One interviewee explained that:

Softly, softly is usually better, and you get more engagement and people willing to come to the party, a lot of the time ... if it's too aggressive early on, there's just a wall and you're just never going to break through. It's like, I've got my camp and you've got your camp, and we're just never going to see in between.

Another interviewee expressed frustration that sometimes consumer boycotts that emerge from outside the anti-slavery sector can be more adversarial, but are not necessarily productive. They said:

They [NGOs] walk into the room with the baseball bat, the grenade. The pin's out. They go, "let's talk" and then wonder why the defences go up.

Naming and faming

Anti-slavery organisations engaged in efforts to mobilise consumers all indicated that they had moved towards a model that sought to 'fame' companies that were performing well, as much as 'shame' companies that were performing badly. One interviewee representing an organisation with a scorecard approach explained how they had evolved their strategy from originally a position of simply shaming companies. They said:

We started out as a name and shame campaigning organisation. We'd find a factory or a farm with slavery, we'd work out who's sourcing from it in Australia, we'd go "Bad company! You've got slavery in the supply chain. You really need to have traceability and transparency." Bit by bit companies started to come around and say, "we hear what you're saying and we think you're probably right. How do we do it?" For us, it was like the dog chasing the tail and catching it and going, "shit, what do we do now?" That's when we thought, to have any integrity, we actually need to upskill on how you do this to be able to help companies to do it.

Two of the organisations that mobilise consumers through scorecard initiatives indicated that this process of helping companies to do the work required to prevent modern slavery in supply chains was part of the reason that they also put emphasis on faming companies that do well. Their intention is to show companies that there are strategies to put in place that will help the situation, and that those strategies can lead to additional rewards.

However, interviewees also noted that there are risks associated with the faming approach. Antislavery organisations that have worked hard to build their reputation as an authority on which brands are more ethical than others risk a scenario where companies they have rated highly may still become embroiled in a human rights scandal. They acknowledge these risks, and explain that the collaborative, engaged approach protects against this. One interviewee said their policy is:

Don't suddenly drop them. Work with them to see how do we work together to solve this.

Importantly, interviewees were quick to point out that corporations named and famed were still expected to improve their approaches to modern slavery. They agreed that those organisations currently receiving high scores from various consumer focused initiatives were still far from perfect in their approach to labour exploitation. As a result, the NGOs ranking brands explained that that they raise their criteria on a regular basis, making it harder to achieve a high score, to encourage constant improvement.

Ultimately, interviewees agreed that there is a place for both faming and shaming strategies. However, the choice of faming or shaming was not based on whether there were instances of modern slavery in the supply chain, but on whether companies were actively responding to the problem and implementing processes to find, remediate, and prevent further human rights abuses. One interviewee summarised this perspective well:

I think you need to do both. I don't think you can do one, really, without the other ... We need to identify those practices that are progressive and those entities that are leading the way and applaud them for their efforts. But where there are just consistent gaps or companies aren't engaging at all, then – and in certain circumstances – it's perfectly appropriate to call that information out.

For anti-slavery organisations seeking to mobilise consumers, the scorecard approach offers an avenue to achieving both. Companies that are doing well can be famed, with consumers encouraged to buycott (support) that brand, while companies that remain inactive on the issue can be shamed, with consumers encouraged to boycott. This dualcott approach was seen as essential. While interviewees overwhelmingly favoured faming, or shaming, they agreed that shaming was a necessary tool to keep in the arsenal as 'the electric cattle prod' for industry laggards.

Can consumers be an accountability mechanism for Australia's Modern Slavery Act?

Key Findings

- Consumers have a role to play but are seen as less powerful than other actors
- Lack of resourcing for civil society organisations to mobilise consumers is a major obstacle to enabling consumers to act as an accountability mechanism

All of the anti-slavery advocates interviewed for this research agreed that consumers have a role to play in addressing modern slavery, but were also highly sceptical about their capacity to be an accountability mechanism for Australia's *Modern Slavery Act*. Interviewees felt that consumers were limited in their power, especially as compared to other actors, and that a lack of resourcing for civil society organisations was a key obstacle to using MSA statements to inform consumers.

Consumer power is limited in comparison to other actors

Interviewees agreed that in certain circumstances consumers could be a very powerful force for change. They pointed to instances where consumer boycotts had catalysed behaviour change by corporations, and spoke about the potential for a critical mass of consumers to fuel demand for ethically produced products. Interviewees agreed that in some circumstances, large-scale boycotts could impact a company's bottom line, and damage their reputation. One interviewee said that for corporations:

Avoiding having their company name linked to slavery, trafficking for slavery, is quite important to them.

However, interviewees also agreed that some consumer mobilisations were actually more successful at catalysing corporate action due to potential backlash in the media, and backlash from other stakeholders, rather than from consumers.

There are persistent challenges in mobilising consumers to the extent where they may have the same impact, in terms of dollar value, as a major institutional investor choosing to divest from a company over their poor performance in addressing modern slavery. Lack of broader public awareness, lack of understanding by consumers of which products might be slavery-free and which are not, the corporate communications that make it difficult to discern what companies are actually doing, and the lack of real choice for consumers are all factors that interviewees believe ultimately limit consumers' power. Interviewees reported that:

There's an access to information issue at the moment in terms of competing with just how loud brands are in talking about what they do and, you know, often that's greenwashing and trying to sort of sort through all the information to actually work out what they can do, who's ethical, who's not ... at the moment they struggle to know where to take action and what to do.

Resourcing is needed to enable consumers to hold corporations accountable

All interviewees agreed that the current setup of Australia's *Modern Slavery Act* statements repository does not facilitate consumer scrutiny and action. One interviewee said:

There was perhaps a perception when the Act came in that there was something that consumers would read, which I was always very concerned with, because it was quite clear from very early on that there was always going to be a mediation needed by experts.

Interviewees spoke about the 'missing link' between the statements provided under the Modern Slavery Act, and consumers being able to act on that information. While some anti-slavery organisations have been able to incorporate an assessment of the statements into their pre-existing benchmarking activities, these are targeted at specific industries where the number of company statements examined is a small fraction of the total submitted.

One interviewee representing an organisation that currently seeks to mobilise consumers summarised what they view as the main obstacles to consumers being an accountability mechanism for the Modern Slavery Act:

The main barrier to consumers making more sustainable choices is they don't have access to easy to use, comparative information, that they can trust. Behind that is two things; (1) brands need to be incentivised or required to be more transparent about all the issues, not just the issues they choose to market and (2) people like us who are providing consumers with easy to use, comparative information, should be supported more.

Consumers undoubtedly need expert intermediaries to help them to make sense of the statements. But those experts, and civil society organisations, are under-resourced to be able to facilitate that work. One interviewee summarised the frustrations of anti-slavery organisations who had hoped that the Modern Slavery Act would bring significant information disclosures that consumers and other market actors like shareholders could act upon. They said:

If we're going to rely on consumers to be active in this space, then we certainly need to equip them with better information. At the moment, our approach to that tends to be to assume that somehow magically an information provider solution is going to emerge in the marketplace. Why? Who's going to fund that?

Several interviewees expressed frustration with the current state of policy that relies on market actors to regulate, without supporting NGOs to deliver crucial information to market actors like consumers. One interviewee summarised this by stating:

Frankly, the regulation of the Act has been outsourced to civil society ... It's the market with the market being NGOs that exist on the smell of an oily rag.

While interviewees called for greater resourcing for civil society organisations to undertake this sort of intermediary work, they were also critical of this vital task falling to NGOs in the first place. Some interviewees argued that procurers (i.e. companies) not consumers, should be responsible, with one interviewee commenting:

Why are the goods on the shelf in the first place if they're tainted by forced labour? You're putting the consumer in a really difficult position, because it's very difficult to know ... every item on the shelf should be ethical.

Several interviewees also suggested that the Australian Government should take more responsibility, and apply a rating system to the statements, and publicise that information. One interviewee pointed out the absurdity of relying on consumers to regulate corporate actors, pointing out that:

We don't rely on consumers to police food quality standards.

While the Act as it currently operates does incentivise some corporations to improve their efforts to prevent modern slavery in supply chains, interviewees agreed that there is a significant vacuum in accountability. If that vacuum remains, the incentive for companies to improve will rapidly dwindle.



Part 3: Fashion Industry responses to Australia's Modern Slavery Act

Key Findings

- Fashion companies largely fail to reflect on how their own practices contribute to modern slavery risks
- Fashion companies' anti-slavery tools largely push responsibility to address modern slavery to their suppliers
- The Modern Slavery Act in its current form does not motivate the corporate reflexivity and subsequent accountability required to address modern slavery risks

The fashion industry is an interesting case study for analysing responses to the MSA as the industry is infamous for labour exploitation and unsafe conditions. 97% of the clothing sold in Australia is imported (Payne et al., 2022), and the manufacturers that supply to Australian-based companies are largely situated in Global South countries such as Bangladesh, Vietnam, India, Cambodia, China, and more. Globally, the labour behind fashion manufacturing is female dominated, often from low socioeconomic backgrounds, and have limited alternative opportunities for employment. As a result, garment workers are highly vulnerable to modern slavery conditions, further exacerbated by the business characteristics (fast turnaround times, low prices) of the industry.

The fashion industry has been subject to intense scrutiny by civil society organisations over several decades. In the 1990s consumers protested the use of child labour in the production of Nike's products. This attention created some change in the industry, specifically through the established of voluntary codes of conduct, though have been heavily criticised for their lack of substance. The 2013 Rana Plaza collapse in Bangladesh, killing more than 1000 people and injuring hundreds, drew refreshed attention to the exploitative nature of the industry. For example, the Rana Plaza tragedy was the impetus for the creation of Fashion Revolution, a non-profit initiative that advocates for climate and worker justice in the industry largely through mobilising consumers to protest and advocate for a fairer fashion system. The industry attracts significant attention from civil society organisations (CSOs) and has been the target of countless campaigns. As a result, there is an assumption that the continued media exposure and pressure from CSOs over the decades would mean fashion companies were well prepared to respond to the Australian Modern Slavery Act by disclosing established antislavery actions that CSOs have been pushing for years. However, this research finds that fashion companies who responded to the MSA are largely failing to take adequate responsibility for modern

slavery in their supply chains. Instead, the anti-slavery action disclosed in the modern slavery statements indicate they are pushing responsibility to suppliers.

This research draws from an analysis of 57 modern slavery statements published by fashion companies operating in Australia, and interviews with Global South stakeholders. The project critically analysed how fashion companies are self-regulating and taking responsibility for modern slavery. The following sections provides a summary of the three phases of research project.

Fashion companies' self-regulation

Phase One drew from the content analysis of 57 modern slavery statements and focussed on the tools and actions fashion companies purportedly implement to address modern slavery in their supply chains. This analysis found that companies implement a variety of 24 anti-slavery tools. Table 1 categorises the 24 anti-slavery tools identified in the statements.

Table 1. Fashion Companies' anti-slavery tools

Tool category	Tool	Total Statements
Internal company tools	Employee training	50
	Internal governance group	43
	Risk assessment	39
	Supply chain tracing	26
	Transparency or disclosure	21
	Purchasing practices	18
External/Stakeholder	MSI, standard commitment or signatory	25
Engagement	Industry engagement	24
	NGO/CSO engagement	23
	Government engagement	12
	Union engagement	5
Factory-level tools	Audit	55
	Remediation	37
	Grievance mechanism	31
	Site Visit	29
	Supplier capacity building	27
	Supplier questionnaire/ self-assessment	16
	Worker engagement	13
Paper-based tools	Policies / Codes of Conduct enforced on suppliers	51
	Internal Policies & Guidelines	46
	Contract/ written agreement	28
Relationship-based tools	Supplier penalty	29
•	Supplier engagement	26
	Supplier reward	6

Phase One analysed how fashion companies are self-regulating by evaluating the reflexive capacity of the tools they implement and their coercive and/or persuasive characteristics. Reflexivity in this context refers to the company's ability to reflect on internal practices that support anti-slavery norms and identify practices that might exacerbate modern slavery risks (Coneybeer et al., 2023). Coercive and persuasive pressure refers to their regulatory characteristics of the tools and whether they utilise punishment or rewards incentives to address modern slavery risks.

The study analysed the 24 anti-slavery tools that fashion companies disclosed in their modern slavery statements and posited four categories (see **Table 2**) by which their anti-slavery tools can be organised. The categories as defined as follows:

- Category One characterises the fashion company as the regulator of their supplier, using primarily coercive tactics and largely failing to demonstrate reflexive practice.
- Category Two positions the company as a co-regulator alongside suppliers, while Category Three co-regulates with third parties (e.g., NGOs).
- Both Categories Two and Three mainly relied on persuasive tactics and some limited reflexive practice.
- Category Four is a truer form of self-regulation where the company regulates its own practices, though often with persuasive and weakly reflexive tactics.

Table 2. Anti-slavery tool categories

Category	Category 1	Category 2	Category 3	Category 4
Regulator Regulatee	Fashion companyGarment supplier/s	Co-regulationFashion companyGarment supplier/s	Co-regulationFashion companyNGOsCSOs	Self-regulationFashion company
Regulatory Tool	Standards-basedEconomic	Self-regulation	Self-regulation	VoluntarismInformation strategies
Coercive/ persuasive	 Predominately coercive 	Weakly persuasive	Weakly persuasive	Weakly persuasive
Reflexive practice	Weakly self-critical	 Norm dissemination Self-critical Self-evaluative Learning 		Norm disseminationSelf-critical
Tools	 Audits, Site visit Codes of conduct Supplier questionnaires Remediation Contracts/ written agreements Supplier penalties Supplier rewards 	 Supplier engagement Supplier capacity building Worker engagement Worker grievance mechanisms 	 Supplier engagement Supplier capacity building Worker engagement Worker grievance mechanisms 	 Supply chain tracing Risk assessment Information disclosure Internal governance group Internal policies/guidelines Purchasing practices Employee training

By viewing how frequently the tools were used/disclosed in statements, the study found that companies predominately implement tools from Category One. Consequently, the findings indicate a reliance on predominately coercive-type tactics to regulate suppliers and are indicative of weak reflexive practice.

Responsibility Framing

Phase Two also drew from the content analysis of 57 modern slavery statements and evaluated the 24 anti-slavery tools identified (see Table 1) through a responsibility lens. This study operationalised Young's (2006, 2010) Social Connection Model by developing an analytical constellation model to determine where anti-slavery tools fall on a responsibility spectrum (Figure 3 below).

Evading Responsibility

- Isolate actor/s as blameworthy
- Ignores background conditions
- Backward-looking liability
- Non-distributive responsibility
- Unilateral action

Taking Responsibility

- Blame is distributed
- Background conditions scrutinised
 - Forward-looking action
 - Responsibility is distributed
 - Joining in collective action •

Figure 4: The Responsibility Spectrum based on Young's SCM

The study evaluated the three most commonly disclosed tools identified in fashion companies' modern slavery statements: audits, codes of conduct, and employee training. First these tools were evaluated in isolation to determine where they fell on the spectrum individually, and then each tool was evaluated within a wider constellation of related tools implemented in combination with the focus tool.

Supplier audits

The findings indicated that supplier audits fall on the 'evading responsibility' side of the responsibility spectrum. The analysis revealed that the anti-slavery tool focuses solely on supplier practices, tends to entrench power imbalance, is largely focused on identifying issues opposed to solving them, does not designate a responsibility role for buyers, and buyers often request audits unilaterally. Within the audit constellations, the study found that the few tools that indicate greater corporate responsibility taking are sparingly used by companies. For example, purchasing practices, worker and union consultation, supplier capacity building, and industry engagement were found to better address corporate responsibility, though these tools were not often used in combination with audits. Other

tools more frequently used, such as supplier penalties and remediation were found to largely push responsibility and blame onto suppliers.

Codes of conduct

Supplier codes of conduct were also plotted on the 'evading responsibility' side of the responsibility spectrum. The results of the analysis revealed that supplier codes of conduct focus solely on supplier practices, fail to recognise background conditions such as extremely low minimum wages, are largely focussed on buyer-driven standards opposed to workers or other stakeholders, and can create a barrier to collective action due to buyer's conflicting expectations. Analysed within the constellation context, there were multiple tools that enabled greater responsibility, including internal company policies, stakeholder engagement, and supplier capacity building. Though, fundamentally, there is no similar tool that suppliers implement that sets expected standards of buyer conduct. Thus, the holistic analysis enabled through the constellation model indicates responsibility only marginally improves.

Internal company employee training

Employee training was found to fall in the middle of the spectrum. The analysis indicated that internal employee training within fashion companies might support the acknowledgement that company practices might increase labour risks, enable greater awareness of the problem amongst employees, increase employee commitment, and enable company-wide responsibility where multiple departments are trained. Internal employee training was also the most promising constellation and included several tools that indicated greater responsibility-taking. For instance, awareness of purchasing practices, internal governance groups, and collaboration with industry and other external stakeholders are likely to improve employee awareness of exploitative labour. As a result, the internal employees training constellation was found to be the most promising tool constellation, indicating a greater corporate responsibility role for addressing modern slavery.

Overall, the findings from Phase Two further corroborate the results in Phase One, suggesting that by regulating the supplier more than themselves, fashion companies implement tools that largely allow them to evade responsibility. Overall, the findings from this second study indicate that fashion companies are largely failing to reflect on their role in the problem and thus neglecting their responsibility in addressing modern slavery.

Perspectives of Global South stakeholders

The findings from Phases One and Two were further explored in Phase Three by gathering stakeholder perspectives on the anti-slavery tools fashion companies implement, and whether fashion companies are fulfilling their responsibility role, as per the intent of the MSA. For this research, garment manufacturers, garment worker unions, and local worker organisation representatives in India were interviewed on whether Global North fashion companies are taking responsibility for modern slavery.

This phase presented two sets of findings, first through a thematic analysis of stakeholder's perspectives, and a second analysis of these perspectives through the lens of Young's social connection model. Firstly, four key findings were identified in the interview data.

Fashion companies' buying practices contribute to modern slavery risk

The first findings recognised how buyer practices contribute to the risk of labour exploitation, and the capacity for changes in these practices to alleviate pressure and support remediation. Participants suggested that fashion companies often enjoy the benefits of cheap labour and weak labour laws in exporting countries such as India, yet they tend to structure their business so that they have limited liability related to labour conditions and externalise responsibility for the issue as a non-core business activity.

Power imbalances limit fashion company accountability

The second finding highlighted the asymmetrical power imbalance between buyers and supplier, noting that buyers can hold power over their suppliers to negative effect, though suppliers have no similar power. Participants used the example of supplier penalties for non-compliance, illustrating that suppliers cannot penalise their buyers when they set unreasonable terms (e.g., deadlines, purchase order prices).

Failure to consider local context

The third finding emphasised the lack of buyer consideration for the local context of their suppliers and the workers, while leads to inappropriate or impractical anti-slavery tools. Participants indicated that many of the tools fashion companies attempt to implement are rendered useless since auditors can be bribed, workers capacities are misunderstood, and grievance mechanisms are not utilised, amongst other concerns.

Failure to engage with Global South Stakeholders

Further illustrating unequal power dynamics, the fourth finding highlighted the lack of stakeholder engagement to improve working conditions. Some participants suggested that when workers have a greater understanding of their rights, they can play an active role in ensuring those rights are upheld. Other participants emphasised the unique capacity for unions and worker organisations to facilitate conversations between unions, fashion companies, and manufacturers, and suggested fashion companies should seek to strengthen worker engagement.

Phase Three findings also included an analysis of the interview data through Young's (2006, 2010) Social Connection Model. This analysis concluded that the data indicates Global South stakeholders largely perceive fashion companies to be failing to address their shared responsibility to address modern slavery.

Fashion Companies are deflecting responsibility

Taken together, the findings from the three phases of the research project indicate that the regulatory design of the Australian Modern Slavery Act is failing to meet its objective to catalyse corporate responsibility-taking for modern slavery in the fashion industry. Throughout the three phases of the research, it is clear that fashion companies' 'self-regulatory' practices (demonstrated through their anti-slavery tools) are largely pushing responsibility to their suppliers and failing to acknowledge how their business model and practices contribute to the structurally unjust issue of modern slavery. This finding has been determined by first evaluating the reflexivity of anti-slavery tools (Phase One), second by evaluating how corporate responsibility-taking is framed through these tools (Phase Two), and third, by gathering the perspectives of Global South stakeholders who are subject to regulation by Global North buyers such as those mandated by the MSA (Phase Three).

Overall, this finding confirms and reinforces other scholarly critique of fashion companies' voluntary actions to address labour exploitation, indicating their failure to acknowledge the harms of their business models (Shih et al., 2021; Yu, 2008) and framing suppliers as the issue (Anner et al., 2013). Additionally, the weak parameters of the MSA allow companies to interpret compliance according to their own perspective, a common feature of self-regulation (Parker & Nielsen, 2009). Overall, these findings contravene the intended outcome of the MSA as encouraging reflexive practice and self-regulation, with companies predominately pushing their regulatory responsibilities onto their suppliers.

Recommendations for policy reform

This research has found that relying upon consumers to serve as an accountability mechanism for Australia's Modern Slavery Act is a flawed model. While there is a role for consumers to play, their power is limited, and there are numerous obstacles to consumers playing a role – most notably, the lack of resourcing for civil society organisations to act as expert intermediaries to inform and mobilise consumers. Even at greater scale, some corporations will remain immune to consumer pressure.

In assessing the responses of fashion companies to the introduction of the Modern Slavery Act, this research further found that corporate responsibility-taking is still quite limited. While the fashion sector should theoretically be further advanced in combating modern slavery, due to its susceptibility to consumer action, and longer-term consumer pressure, fashion companies' modern slavery statements reflected a broad evasion or delegation of responsibility.

In light of these findings, the following recommendations are made for policy changes to amplify the impact of Australia's Modern Slavery Act.

Key Recommendations

1) A shared responsibility model is essential to ensure corporate accountability

The policy-makers behind Australia's Modern Slavery Act may never have intended for consumers to serve as the *only* accountability mechanism for the Act, yet there is undoubtedly a vacuum of accountability on this issue. Consumers are able to play a role, but there is significantly more work to be done by other market actors (specifically investors) and by government regulators in order to ensure that corporations are held accountable for their efforts to prevent modern slavery in supply chains. Recommendations 2-6 highlight how that responsibility should be shared, and how consumers can be better supported to play their role.

2) Legislators should consider the introduction of mandatory human rights due diligence.

The transparency-based approach of the MSA does not go far enough to mandate action, as companies are merely required to report but not necessarily to act on preventing modern slavery in supply chains. As noted above, the policy trend in this space is towards mandatory due diligence, consistent with the European Union's Corporate Sustainability Due Diligence Directive. This research has demonstrated that leaving it to 'the market' to police is insufficient, especially for those companies that have not been incentivised by the disclosure regime and/or any consumer pressure.

3) Resourcing expert intermediaries is essential to delivering on the MSA's promise.

To enable consumers and other market actors such as investors to serve as some form of accountability mechanism for the MSA, there is a need to address the 'missing link' between the information provided in MSA statements, and the ability of consumers and investors to act on that information. Resourcing expert intermediaries to serve this function is essential. This function could be served from within the Australian government, though is perhaps better served by civil society organisations with extensive expertise on modern slavery in supply chains. Additionally, stakeholders who are the centre of modern slavery issues (often situated in the Global South) should be brought into conversations to provide local contextual knowledge and industry expertise to improve anti-slavery responses and drive corporate accountability. Without this expert intermediary able to bring some scrutiny and accountability to the process, the production of MSA statements will become a devalued exercise.

4) The Anti-Slavery Commissioner should be empowered to impose penalties for laggards.

This research has shown that while anti-slavery organisation representatives believe that many companies have engaged in the process of addressing human rights abuses, there are many more that have taken little to no action. For these companies, market-based measures like political consumerism and investorism that primarily use reputational risk as leverage are likely to have little impact.

5) A process of ongoing improvement should be built into the requirements for the MSA statements, and used as a measure of success.

To ensure that the MSA drives continual improvement, and the gains made so far do not lag, it is necessary to introduce a component of the MSA statements that requires companies to report on progress made. This would enable one measure of success through checking whether promises made in earlier statements have been achieved. While this is not the ultimate measure of whether companies address modern slavery in supply chains, this does establish one measure which could be more readily translated to consumers and investors, and could drive ongoing improvement.

6) For consumers to play a role, a broader public awareness campaign is required.

While consumers do have the potential to catalyse corporate action on modern slavery, this research has identified that a major obstacle to mobilising consumers is a lack of wider public awareness of the problem of severe labour exploitation in supply chains. Consumers are unlikely to use tools like the Good on You app, Be Slavery Free's Chocolate Scorecard, or Baptist World Aid's Ethical Fashion Guide if they are not aware of the human rights abuses behind some of the products they consume.

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