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# Criss-crossing legal systems – the effectiveness of modern slavery legislation in a transnational (Brazil-UK) framework<sup>1</sup>

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## What is the issue?

Global business supply chains span over different countries with differing legal systems and distinct market features. The structures of supply chains vary drastically across sectors, as do their market characteristics. These differences have an impact on the implementation of anti-slavery measures. This project compared UK-Brazil supply chains in the timber and the beef sectors. Brazil has a well-established concept of modern slavery with a more stringent legal definition than the UK's Modern Slavery Act 2015. Moreover, the discourse on modern slavery in the Brazilian context is less migration-focused than in the UK and, therefore, presents an opportunity to deepen our knowledge of modern slavery beyond migration and trafficking.

## The research evidence

The project revealed that where modern slavery legislation carried punitive sanctions (for example, through Brazil's use of a 'dirty list' blacklisting suppliers), that legislation proved to be effective in incentivising companies to comply with anti-slavery rules. It also created an often-confrontational relationship between civil society, law enforcement and businesses. The relatively severe system, with its wider modern slavery definition, required companies to assume more responsibility for their supply chains and the labour conditions within them. Therefore, major market players' leading on the implementation of anti-slavery measures was crucial to the effective spread of these

<sup>1</sup> This note is based on a British Academy-funded project *'The interaction of law and supply chain management in cross-judicial supply chains: supply chain effectiveness of modern slavery legislation.'* The project is part of the British Academy/DFID programme on [Tackling Slavery, Human Trafficking and Child Labour in Modern Business](https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/mseu/mseu-resources/2019/march/emberson-tackling-slavery-in-supply-chains.pdf). For further information: <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/mseu/mseu-resources/2019/march/emberson-tackling-slavery-in-supply-chains.pdf>.

<sup>2</sup> Professor Brad Blitz led the British Academy/DFID programme on *Tackling Slavery, Human Trafficking and Child Labour in Modern Business* between 2017 and 2019.

measures across the industry sector. Commercial pressure from large UK buyers and the inclusion of social sustainability criteria in investment indices – rather than consumer pressure – was found to have triggered change. As the project highlighted, it was essential to develop contextualised approaches to combat extreme forms of worker exploitation. Certain features of the goods and the sectors, and whether the products were produced for lesser controlled domestic markets or foreign markets in a more transparent way, could fundamentally shape the overall implementation of anti-slavery policies.

## Policy and practice implications

- In order to harmonise the legal concept of ‘modern slavery’ and make anti-slavery interventions and communication across global supply chains more effective, the UK should consider amending the UK Modern Slavery Act to define ‘supply chain’, which currently does not figure in it and which renders the concept ambiguous.
- More contextualised and sector-specific approaches should be assumed to enable supply chains to operate more transparently.
- Supply chain-related corporate sustainability initiatives that are policing in nature may be part of the solution but also have clear limitations, as they sometimes lack democratic oversight and could lead to misuse of powers.
- Rather than placing the responsibility for policing supply chains solely with companies, the UK should, in addition, work with other governments and multilateral agencies on the harmonisation of modern slavery laws and on the coordination of supply chain monitoring and enforcement.
- Market access is a key mechanism for enforcing human rights in supply chains and for businesses to engage more generally in sustainability. As the UK reshapes its trade relationships, it needs to ensure that trade-related human rights issues will be protected in future trade deals. Thus, the commitment to promote transparency and eliminate modern slavery should appear in international trade agreements alongside existing human rights commitments.