



**An Bille um Dhúshaothrú Saothair agus Gáinneáil (Slabhraí Soláthair a  
Iniúchadh), 2021**

**Labour Exploitation and Trafficking (Audit of Supply Chains) Bill 2021**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM DHÚSHAOTHRÚ SAOTHAIR AGUS GÁINNEÁIL (SLABHRAÍ  
SOLÁTHAIR A INIÚCHADH), 2021  
LABOUR EXPLOITATION AND TRAFFICKING (AUDIT OF SUPPLY CHAINS) BILL  
2021**

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**CONTENTS**

**Section**

1. Interpretation
2. Regulations
3. Transparency in supply chains
4. Ministerial guidelines
5. Offence
6. Review
7. Short title and commencement

ACTS REFERRED TO

Child Trafficking and Pornography Acts 1998 to 2004

Criminal Law (Human Trafficking) Act 2008 (No. 8)



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SOLÁTHAIR A INIÚCHADH), 2021  
LABOUR EXPLOITATION AND TRAFFICKING (AUDIT OF SUPPLY CHAINS) BILL  
2021**

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# Bill

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*entitled*

An Act to provide for transparent reporting by undertakings in relation to the risk of labour exploitation and human trafficking occurring in their supply chains or in any part of their business and of the steps taken by them to ensure such activities do not take place; and to provide for connected matters.

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**Be it enacted by the Oireachtas as follows:**

## **Interpretation**

1. In this Act—

“labour exploitation and trafficking”—

(a) means an activity that constitutes an offence under—

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(i) the Child Trafficking and Pornography Acts 1998 to 2004, or

(ii) the Criminal Law (Human Trafficking) Act 2008,

and

(b) includes making use of work done by a person under the age of 18 years (a “child”) where, by its nature or the circumstances in which it is carried out, the work is liable to harm the health, safety or morals of the child, including in particular—

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(i) work that exposes the child to physical, psychological or sexual abuse,

(ii) work underground, under water, at dangerous heights or in confined spaces,

(iii) work with dangerous machinery, equipment or tools, or which involves the manual handling or transport of heavy loads,

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(iv) work in an unhealthy environment which may expose the child to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to the child’s health, and

(v) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer;

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“Minister” means the Minister for Enterprise, Trade and Employment;

“prescribed” means prescribed by regulations made by the Minister;

“undertaking” means a person being an individual, a body corporate or an unincorporated body of persons who—

- (a) is engaged for gain in the production, supply or distribution of goods or the provision of a service, and 5
- (b) in the course of that business, imports goods into the State or receives services from outside the State the cost of which exceeds 5 per cent of the undertaking’s input costs.

## **Regulations**

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- 2. (1) The Minister may make regulations in relation to any matter referred to in this Act as prescribed or to be prescribed and may make regulations for the purpose of giving effect to this Act.
- (2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 15
- (3) Regulations made under this Act may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient. 20

## **Transparency in supply chains**

- 3. (1) The Minister shall, as soon as is reasonably practicable after the coming into operation of this Act, make regulations requiring undertakings having a turnover of not less than the prescribed amount to prepare and publish annually a labour exploitation and trafficking statement. 25
- (2) A labour exploitation and trafficking statement is—
  - (a) a statement of the steps the undertaking has taken during the previous year to ensure that labour exploitation and trafficking is not taking place—
    - (i) in any of its supply chains, and 30
    - (ii) in any part of its own business,
  - or
  - (b) a statement that the undertaking has taken no such steps.
- (3) An undertaking’s labour exploitation and trafficking statement may include information about— 35
  - (a) the undertaking’s structure, its business and its supply chains,
  - (b) its policies in relation to labour exploitation and trafficking,

- (c) its due diligence processes in relation to labour exploitation and trafficking in its business and supply chains,
  - (d) the parts of its business and supply chains where there is a risk of labour exploitation and trafficking taking place, and the steps it has taken to assess and manage that risk, 5
  - (e) its effectiveness in ensuring that labour exploitation and trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate,
  - (f) the training about labour exploitation and trafficking available to its staff.
- (4) A labour exploitation and trafficking statement of an undertaking shall be approved on behalf of the undertaking and published in the prescribed manner. 10

### **Ministerial guidelines**

4. (1) The Minister—
- (a) may issue guidelines about the duties imposed on undertakings by this Act, and
  - (b) shall publish any such guidelines on the Minister’s website. 15
- (2) Guidelines under this section may in particular include further provision about the kind of information which may be included in a labour exploitation and trafficking statement.

### **Offence**

5. An undertaking that contravenes regulations made under *section 3(1)* is guilty of an offence and is liable on summary conviction to a class A fine. 20

### **Review**

6. The Minister shall cause a review of the functioning of this Act to be carried out before the fifth anniversary of its coming into operation and shall cause the review to be laid before both Houses of the Oireachtas. 25

### **Short title and commencement**

7. (1) This Act may be cited as the Labour Exploitation and Trafficking (Audit of Supply Chains) Act 2021.
- (2) This Act comes into operation on the day that is six months after its passing.

An Bille um Dhúshaothrú Saothair agus  
Gáinneáil (Slabhraí Soláthair a Iniúchadh),  
2021

# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir le tuairisciú trédhearcach ag gnóthais i ndáil leis an mbaol go dtarlóidh dúshaothrú saothair agus gáinneáil ar dhaoine ina gcuid slabhraí soláthair nó in aon chuid dá ngnó agus i dtaobh na mbeart a dhéanfaidh siad chun a chinntiú nach dtarlóidh gníomhaíochtaí den sórt sin; agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

*Na Teachtaí Aodhán Ó Riordáin, Seán Ó Searlóg  
agus Ged de Nais a thug isteach,*

*1 Aibreán, 2021*

Labour Exploitation and Trafficking (Audit  
of Supply Chains) Bill 2021

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*Introduced by Deputies Aodhán Ó Riordáin, Seán  
Sherlock and Ged Nash,*

*1st April, 2021*

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

€1.27

ISBN 978-1-4468-6875-1



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