



HOUSE OF LORDS

Library Note

Modern Slavery Bill (HL Bill 51 of 2014–15)

This Library Note provides information on the Modern Slavery Bill, which is due for second reading in the House of Lords on 17 November 2014. It provides background information on modern slavery in England and Wales, including the current legal framework, statistics on modern slavery, the current enforcement regime and the support which is available for victims. The Note outlines the key provisions of the Bill, and gives an account of the background to its introduction, including its pre-legislative scrutiny. Finally, the Note provides a summary of proceedings on the Bill in the House of Commons.

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13 November 2014
LLN 2014/035

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1. Introduction

It was announced in the Queen’s Speech in June 2014 that the Government would introduce a bill “to strengthen the powers to prevent modern slavery and human trafficking”.¹ The Modern Slavery Bill was introduced in the House of Commons on 10 June 2014, and received its second reading in the Commons on 8 July 2014. The Bill was examined by a Public Bill Committee between 21 July and 14 October 2014. The report stage and third reading of the Bill took place in the House of Commons on 4 November 2014. The Bill was introduced in the House of Lords on 5 November 2014 (as HL 51 of 2014–15) and is scheduled to have its second reading on 17 November 2014.

This Library Note provides information on modern slavery in England and Wales, including the current legal framework, statistics on modern slavery, the current enforcement regime and the support which is available for victims. It provides information on the Bill’s key provisions, and gives an account of the background to the Bill’s introduction, including its pre-legislative scrutiny. Finally, it provides a summary of proceedings on the Bill in the House of Commons.

The parliament website offers a [page](#) of information on the Bill, including the text of the Bill, an explanatory memorandum and links to each debate. The GOV.UK website also has a [page](#) of information on the Bill, with a range of key documents published by the Home Office, including an impact assessment, a European Convention on Human Rights memorandum, a delegated powers memorandum and a number of factsheets on the Bill’s provisions. The Joint Committee on Human Rights is due to publish a report on the Bill on 13 November 2014.²

2. Background Information on Modern Slavery

2.1 What is Modern Slavery?

The Government has stated that “modern slavery encompasses human trafficking, slavery, forced labour and domestic servitude”.³ The Home Office has established a [website](#), in collaboration with the NSPCC, which provides information on modern slavery. This website identifies the following types of modern slavery which, it suggests, are found in the UK:

Child trafficking

Young people (under 18) are moved either internationally or domestically so they can be exploited.

Forced labour/debt bondage

Victims are forced to work to pay off debts that realistically they never will be able to. Low wages and increased debts mean not only that they cannot ever hope to pay off the loan, but the debt may be passed down to their children.

Forced labour

Victims are forced to work against their will, often working very long hours for little or no pay in dire conditions under verbal or physical threats of violence to them or their

¹ HL *Hansard*, 4 June 2014, [cols 1–4](#).

² Joint Committee on Human Rights, ‘[Human Rights Committee Publishes Report on Modern Slavery and Social Action, Responsibility and Heroism Bills](#),’ 6 November 2014.

³ Home Office, [Draft Modern Slavery Bill](#), December 2013, Cm 8770, p 7.

families. It can happen in many sectors of our economy, from mining to tarmacking, hospitality and food packaging.

Sexual exploitation

Victims are forced to perform non-consensual or abusive sexual acts against their will, such as prostitution, escort work and pornography. Whilst women and children make up the majority of victims, men can also be affected. Adults are coerced often under the threat of force, or another penalty.

Criminal exploitation

Often controlled and maltreated, victims are forced into crimes such as cannabis cultivation or pick pocketing against their will.

Domestic servitude

Victims are forced to carry out housework and domestic chores in private households with little or no pay, restricted movement, very limited or no free time and minimal privacy often sleeping where they work.⁴

The website notes that “there is no typical victim of slavery—victims can be men, women and children of all ages and cut across the population. But it is normally more prevalent amongst the most vulnerable, minority or socially excluded groups”.

2.2 Current Legislative Framework

The Law in England and Wales

There are a number of key criminal offences which relate to modern slavery. In England and Wales, trafficking a person into, out of or within the UK for the purposes of sexual exploitation is an offence under the Sexual Offences Act 2003. Trafficking a person into, out of, or within the UK for the purposes of other types of exploitation, such as forced labour, slavery or organ removal, is an offence under the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. The Protection of Freedoms Act 2012 amended the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 to extend the remit of the offences related to trafficking to cover offences committed by UK nationals abroad and offences committed by foreign nationals in the UK. Slavery, servitude and forced or compulsory labour are criminal offences under the Coroners and Justice Act 2009 in England, Wales and Northern Ireland. Each of these offences carries a maximum penalty (on conviction or indictment) of 14 years imprisonment and/or a fine.⁵ A number of pieces of legislation cover modern slavery offences in Scotland.⁶ More detailed information on current legislation in England and Wales is provided by a number of sources.⁷

⁴ Home Office and NSPCC Modern Slavery website, [‘Slavery Types and Who is Affected’](#), accessed 10 November 2014.

⁵ HM Government, [Report on the Internal Review of Human Trafficking Legislation](#), May 2012, p 6.

⁶ *ibid*, pp 6–7.

⁷ For example see House of Commons Library, [Human Trafficking: UK Responses](#), 20 January 2014, SN04324; House of Lords Library, [Question for Short Debate on 2 February: Human Trafficking](#), 23 January 2012, LLN 2012/001; CPS, [‘Human Trafficking, Smuggling and Slavery’](#), accessed 10 November 2014; Joseph Rowntree Foundation, [Forced Labour in the UK](#), June 2013.

International Law

Current legislation ensures that the UK is compliant with its commitments under European legislation and international agreements.⁸ These include the UN's 'Palermo Protocols',⁹ International Labour Organization Conventions on forced labour,¹⁰ the Council of Europe Convention on trafficking in human beings which came into force in the UK in 2009¹¹ and the EU Directive on trafficking in human beings which the UK opted into in 2011.¹² A House of Lords Library Note provides detailed information on each of these international instruments.¹³

Forced labour is also covered by international agreements and European legislation on human rights. The Universal Declaration of Human Rights prohibits holding a person in slavery or servitude.¹⁴ The Convention for the Protection of Human Rights and Fundamental Freedoms also prohibits holding someone in slavery or servitude or requiring them to perform forced or compulsory labour.¹⁵ The European Court of Human Rights published guidance in 2012 on the prohibition of slavery and forced labour in article 4 of the Convention.¹⁶

Other Relevant Legislation in the UK

The Minimum Wage

The Minimum Wage may be relevant to a discussion on modern slavery. The Low Pay Commission has suggested that "the purpose of the National Minimum Wage is to provide a wage floor, in order to protect low-paid workers against exploitation, without causing job losses".¹⁷ Briefing notes published by the House of Commons Library provide information on the history of the minimum wage and the legal framework, rates and enforcement regime.¹⁸ The Low Pay Commission publishes an annual report on the operation and impact of the minimum wage.¹⁹

The Gangmasters Licensing Authority

The Gangmasters Licensing Authority (GLA) is a non departmental public body with a board of 30 members from industry and government. Its licensing scheme regulates employment agencies, labour providers and gangmasters who provide workers in three sectors: agriculture, horticulture and shellfish gathering, in order to ensure that they meet the employment standards required by law. The Gangmasters (Licensing) Act 2004 established the GLA to

⁸ HM Government, [Report on the Internal Review of Human Trafficking Legislation](#), May 2012, p 5.

⁹ United Nations Office on Drugs and Crime, '[United Nations Convention Against Transnational Organized Crime and the Protocols Thereto](#)', accessed 12 November 2014.

¹⁰ International Labour Organization, '[Ratifications for United Kingdom](#)' and '[International Labour Standards on Forced Labour](#)', accessed 12 November 2014.

¹¹ Council of Europe, [Convention on Action Against Trafficking in Human Beings](#), 16 May 2005.

¹² [Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JH](#).

¹³ House of Lords Library, [Question for Short Debate on 2 February: Human Trafficking](#), 23 January 2012, LLN 2012/001.

¹⁴ United Nations, [Universal Declaration of Human Rights](#), 10 December 1948.

¹⁵ European Court of Human Rights, [European Convention on Human Rights](#), accessed 12 November 2014.

¹⁶ ECHR, [Key Case-Law Issues: Prohibition of Slavery and Forced Labour Article 4 of the Convention](#), 2012.

¹⁷ Low Pay Commission, [The Future Path of the National Minimum Wage](#), March 2014.

¹⁸ House of Commons Library, [The National Minimum Wage: Historical Background](#), 21 May 2014, SN06897; and [The National Minimum Wage: Rates and Enforcement](#), 14 October 2014, amended 3 November 2014, SN06898.

¹⁹ Low Pay Commission, [National Minimum Wage: Low Pay Commission Report 2014](#), 12 March 2014.

operate the licensing scheme, and created the offences of acting as an unlicensed gangmaster and using an unlicensed gangmaster. The GLA [website](#) provides information on the relevant legislation.

The Proceeds of Crime

Assets which are found to be gained through criminal activity, including using slave labour or human trafficking, may be seized. The Proceeds of Crime Act 2002 provides for the assets which have apparently accrued to an individual through unlawful means to be confiscated or forfeited to the state; Home Office guidance describes the different routes, including criminal and civil, through which the state attempts to recover the proceeds of crime.²⁰ The Crown Prosecution Service also offers guidance.²¹ Under the asset recovery incentivisation scheme, which was initiated in April 2004, the Home Office retains 50 percent of assets recovered, while the remaining 50 percent is distributed to police services, local authorities and other agencies involved with the asset recovery process.²²

Prostitution

Scrutiny of the Modern Slavery Bill has included a discussion of whether it should be legal to pay for sex. At present, it is not illegal to pay for sex in the UK. However, the Sexual Offences Act 2003 was amended by the Policing and Crime Act 2009 to introduce a new offence which makes it illegal to pay for the sexual services of a prostitute who has been subjected to force, coercion or deception. It is not a valid defence to say that the customer was unaware of the coercion or deception. It is illegal to pay for sex with a person younger than 18. The Sexual Offences Act 2003 introduced an offence of paying for the sexual services of a child. It is illegal to solicit a prostitute in a public place, under the Sexual Offences Act 2003 as amended by the Policing and Crime Act 2009. It is an offence, under the Sexual Offences Act 2003 to control, cause or incite prostitution for gain.²³

2.3 Statistics on Slavery and Trafficking

International Statistics

The International Labour Organisation has published a factsheet on forced labour worldwide. This states:

- Almost 21 million people are victims of forced labour—11.4 million women and girls and 9.5 million men and boys.
- Almost 19 million victims are exploited by private individuals or enterprises and over 2 million by the state or rebel groups.
- Of those exploited by individuals or enterprises, 4.5 million are victims of forced sexual exploitation.
- Forced labour in the private economy generates US \$150 billion in illegal profits per year.

²⁰ Home Office, '[Asset Recovery Powers for Prosecutors: Guidance and Background Note 2009](#)', 29 November 2012.

²¹ CPS, '[Proceeds of Crime Act 2002—Enforcement](#)', accessed 10 November 2014.

²² A parliamentary question summarises this system: HL *Hansard*, 3 July 2012, [cols 548–9W](#).

²³ CPS, '[Prostitution and Exploitation of Prostitution](#)', accessed 10 November 2014.

- Domestic work, agriculture, construction, manufacturing and entertainment are among the sectors most concerned.
- Migrant workers and indigenous people are particularly vulnerable to forced labour.²⁴

The Walk Free Foundation, a not-for-profit organisation based in Perth, Australia, published [The Global Slavery Index 2013](#). This attempted to quantify the prevalence of modern slavery in 162 countries. It suggested that, in 2013, there were “an estimated 29.8 million people in modern slavery globally”, and claimed that the prevalence of modern slavery was highest in Mauritania, Haiti, Pakistan, India, Nepal, Moldova, Benin, Cote d’Ivoire, The Gambia, and Gabon.²⁵

The United States government publishes an annual report on trafficking in persons. This provides ‘country narratives’ which look at country-level evidence on human trafficking, and also offers topical commentary on international issues related to human trafficking. For example, the most recent report provided information on forced criminality, whereby trafficked people are forced to commit crimes:

One distinct, yet often under-identified, characteristic of human trafficking is forced criminality. Traffickers may force adults and children to commit crimes in the course of their victimisation, including theft, illicit drug production and transport, prostitution, terrorism, and murder. For example, in Mexico, organized criminal groups have coerced children and migrants to work as assassins and in the production, transportation, and sale of drugs.²⁶

The European Commission published a report in 2013 which looks at [Trafficking in Human Beings](#). It considers data from 2008, 2009 and 2010, and suggests:

In 2010 Member States reported a total number of 9,528 identified and presumed victims and the subset of Member States which provided data for all three reference years showed an increase of 18 percent between 2008 and 2010. The number of identified victims in 2010 in the 24 Member States that were able to provide this information is 5,535. The percentage of child victims of trafficking in human beings is close to 15 percent across the three reference years. The vast majority of all victims (80 percent) are female, and 20 percent of the victims are male.²⁷

UK Statistics

The Inter-departmental Ministerial Group on Human Trafficking published a report in October 2013 which provided the following assessment of the “scale of the problem” with regards to human trafficking in the UK:

In 2012, 1,186 potential victims of human trafficking were referred to the National Referral Mechanism, which is a 25 percent increase on the number of referrals in 2011. Of these, 786 were females and 400 were males; 815 were adults and 371 were children. The source countries for the greatest number of potential victims referred

²⁴ ILO, ‘[Forced Labour: Facts and Figures](#)’, 20 May 2014. Two ILO reports provide more detailed information: [Summary of the ILO 2012 Global Estimate of Forced Labour](#), 1 June 2012; [Profits and Poverty: The Economics of Forced Labour](#), May 2014.

²⁵ Walk Free Foundation, [The Global Slavery Index 2013](#), 2013, p 3.

²⁶ United States Department of State, [Trafficking in Persons Report 2014](#), June 2014, p 14.

²⁷ European Commission, [Trafficking in Human Beings](#), 2013, p 10.

into the NRM were Nigeria, Vietnam, Albania, Romania and China. Amongst adult referrals, sexual exploitation remained the most common form of abuse identified through the NRM, although reporting of labour trafficking and other forms of criminal exploitation continued to rise. For child victims, both sexual exploitation and forced labour featured prominently. The UK Human Trafficking Centre Strategic Assessment for 2012 estimated that there are up to 2,255 possible victims of human trafficking in the UK.²⁸

In 2012, the Government published a review of human trafficking legislation. This provides statistics on the number of prosecutions and convictions under relevant legislation.²⁹

2.4 Efforts to Address Modern Slavery in the UK

State Monitoring and Enforcement

A number of organisations in the UK work to prevent modern slavery. The UK Human Trafficking Centre was set up in 2005 and is now part of the National Crime Agency (NCA). The NCA website states:

The UKHTC is part of the Organised Crime Command in the NCA. It works in a coordinated way within the UK and internationally. Our work to combat human trafficking involves a wide range of partners and stakeholders. We protect the public, target the traffickers and reduce the harm caused by human trafficking. The UKHTC's partners include police forces, the Home Office and other government departments, the UK Border Force, the Gangmasters Licensing Authority, international agencies, non-governmental organisations and many charitable and voluntary expert groups.³⁰

The Inter-departmental Ministerial Group on Human Trafficking includes ministers from the Home Office, Ministry of Justice, Department for Education, Department of Health, and the Foreign and Commonwealth Office, as well as representatives from the Scottish Government, Northern Ireland Executive and the Welsh Government. An EU Directive on trafficking in human beings requires Member States to put in place a national rapporteur on trafficking issues. The Inter-departmental Ministerial Group fulfils this function for the UK.³¹

State Support for Victims

The National Referral Mechanism (NRM) was set up in 2009, as part of the UK's obligations under the Council of Europe Convention on trafficking in human beings³², in order to identify victims of trafficking. Any person who the relevant authorities has reasonable grounds to believe has been trafficked is entitled to a 45 day recovery period, during which time they can access support services for victims of trafficking. The NCA website provides an account of the work of the NRM: '[National Referral Mechanism](#)'. The Government launched a review of the

²⁸ Inter-Ministerial Group on Human Trafficking, [Second Report of the Inter-Departmental Ministerial Group on Human Trafficking](#), October 2013, p 4.

²⁹ HM Government, [Report on the Internal Review of Human Trafficking Legislation](#), May 2012, please see 'Case statistics for prosecutions' on page 8 and 'Case statistics for prosecutions' on page 9.

³⁰ National Crime Agency, '[UK Human Trafficking Centre](#)', accessed 10 November 2014.

³¹ [Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JH](#).

³² Council of Europe, [Convention on Action Against Trafficking in Human Beings](#), 16 May 2005.

NRM in April 2014; an interim report was published in October 2014.³³ A final report was published in November 2014; it made a number of recommendations, focusing on how to improve awareness of the NRM, and how to improve the experience of victims, particularly by offering more support to child victims.³⁴

Support is provided to victims of trafficking in England and Wales by the Salvation Army, which has managed the Government's Adult Human Trafficking Victim Care and Coordination contract since July 2011. The Salvation Army publishes annual reports on this aspect of its work on its website, along with monthly Anti-Human Trafficking Referral Reports: '[Salvation Army: Modern Slavery](#)'. The Government has launched a pilot with the NSPCC, to provide a help line for victims of modern slavery.³⁵ The Modern Slavery Bill would make provision for the introduction of child trafficking advocates, and the Government is conducting a trial on the use of child trafficking advocates.³⁶

3. Overview of the Bill

3.1 Key Provisions

The Bill is divided into seven parts: part 1 would consolidate the current offences of slavery and human trafficking and increase the maximum penalty for these offences; part 2 would make provision for two new civil preventative orders—the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order; part 3 would provide for new maritime enforcement powers in relation to ships; part 4 seeks to establish a new Independent Anti-Slavery Commissioner; part 5 would introduce a number of measures to support victims, including a statutory defence for slavery or trafficking victims and special measures for witnesses in criminal proceedings; part 6 would require certain businesses to disclose what activity they are undertaking to eliminate slavery and trafficking from their supply chain and their own business; and part 7 relates to general matters, including consequential provisions and commencement.³⁷ Guidance on the provisions of the Bill is provided by the Bill's [explanatory notes](#), along with a number of [factsheets](#) published by the Home Office.

3.2 Territorial Extent

Most of the provisions in the Bill extend to England and Wales only, although some also extend to Scotland and some to Northern Ireland.³⁸ The Inter-departmental Ministerial Group on Human Trafficking has published a note which provides an account of the action being taken on modern slavery at a UK level as well as action taken by the Welsh Assembly, Northern Ireland Executive and Scottish Government.³⁹

³³ Home Office, [Interim Review of the National Referral Mechanism for Victims of Human Trafficking](#), October 2014.

³⁴ Home Office, [Review of the National Referral Mechanism for Victims of Human Trafficking](#), 11 November 2014, pp 8–9.

³⁵ HL Hansard, 15 July 2014, [cols WA113–4](#).

³⁶ Home Office, [Modern Slavery Bill Factsheet: Child Trafficking Advocates \(Clause 47\)](#), November 2014.

³⁷ [Modern Slavery Bill Explanatory Notes](#), para 3.

³⁸ *ibid*, paras 9–14.

³⁹ Inter-departmental Ministerial Group on Human Trafficking, [Joint Statement of the Inter-Departmental Ministerial Group \(IDMG\) on Modern Slavery](#), 18 October 2014.

4. Background to the Introduction of the Bill

In 2011, the Government launched a Human Trafficking Strategy.⁴⁰ In this document, the Government undertook to review relevant legislation. In 2012, the Government published a review of human trafficking legislation, which identified a number of areas in which legislation “could be strengthened”, focusing, in particular, on what it described as “the unduly lenient sentence regime”.⁴¹ The Home Secretary, Theresa May, announced in a newspaper article in August 2013 that she intended to introduce a Modern Slavery Bill.⁴² In October 2013, a Home Office press release announced that a Modern Slavery Bill Evidence Review Panel, led by Frank Field (Labour MP for Birkenhead), and hosted by the Centre for Social Justice, would take evidence from expert witnesses ahead of the publication of a draft bill.⁴³ The Centre for Social Justice had published a report on modern slavery in March 2013.⁴⁴ In December 2013, the Government published a white paper, which included a draft bill.⁴⁵ On the same day, the Modern Slavery Bill Evidence Review Panel published a report.⁴⁶ The white paper on the draft Bill stated that a joint committee of both Houses, chaired by Frank Field, would be established to conduct pre-legislative scrutiny prior to the introduction of a bill in 2014.

The Joint Committee published its report on the draft Bill in April 2014.⁴⁷ Instead of consolidating existing offences, the Committee recommended that the Bill should introduce six new offences: slavery of children and adults, child exploitation, exploitation, child trafficking, trafficking and facilitating the commission of an offence of modern slavery.⁴⁸ The Committee recommended that a statutory defence for victims should be established.⁴⁹ It urged the Government to reverse changes made to the Immigration Rules in 2012, which meant that domestic workers who had migrated to the UK with an overseas employer could not change employer.⁵⁰ The Committee advised the Government to take legislative action to ensure that companies eradicate slavery from supply chains.⁵¹ In October 2013, the Government had announced a review of the National Referral Mechanism (NRM), the framework used to identify victims of human trafficking. The Committee argued that the NRM should be established on a statutory basis.

The Government published a response to the Joint Committee’s report, on the same day as the Modern Slavery Bill was introduced in the House of Commons.⁵² The Government rejected the six new offences proposed by the Committee, suggesting that introducing so many new offences would “create uncertainty” in the justice system.⁵³ On domestic workers, the Government suggested that “permitting a change of employer once in the UK would not be compatible with the purpose of the route, which is to allow a short visit with an existing

⁴⁰ Home Office, [Human Trafficking: The Government’s Strategy](#), 19 July 2011.

⁴¹ HM Government, [Report on the Internal Review of Human Trafficking Legislation](#), May 2012, p 4.

⁴² Theresa May, ‘Modern Slave Drivers, I’ll End Your Evil Trade’, *Sunday Times*, 25 August 2013.

⁴³ Home Office, ‘[Home Secretary Begins Evidence Sessions on Modern Slavery](#)’, 11 October 2013.

⁴⁴ Centre for Social Justice, [It Happens Here: Equipping the United Kingdom to Fight Modern Slavery](#), March 2013.

⁴⁵ Home Office, [Draft Modern Slavery Bill](#), December 2013, Cm 8770.

⁴⁶ Modern Slavery Bill Evidence Review Panel, [Report of the Modern Slavery Bill Evidence Review](#), 16 December 2013.

⁴⁷ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14.

⁴⁸ *ibid*, p 106.

⁴⁹ *ibid*, p 3.

⁵⁰ *ibid*, p 101.

⁵¹ *ibid*, p 86.

⁵² HM Government, [The Government Response to the Report from the Joint Committee on the Draft Modern Slavery Bill](#), June 2014, Cm 8889.

⁵³ *ibid*, p 4.

employer”.⁵⁴ Rather than taking legislative action on supply chains, the Government preferred to “work collaboratively with businesses”.⁵⁵ Changes to the NRM would be considered after the completion of the Government’s review in October 2014. The Government accepted some of the Committee’s recommendations: extending the role of the Anti-Slavery Commissioner, introducing a statutory defence for victims of modern slavery who have been forced to commit crimes, and establishing child trafficking advocates.⁵⁶

5. Second Reading

The Modern Slavery Bill received its second reading in the Commons on 8 July 2014, when the programme motion and money resolution were also agreed. Introducing the Bill at second reading, Theresa May, the Home Secretary, suggested that modern slavery was “a crime that is taking place, hidden from view, across Britain today”.⁵⁷ The Bill, which she described as “the first of its kind in Europe”, would “ensure that we can effectively prosecute perpetrators, properly punish offenders and help prevent more crimes from taking place”. She added that the Government would publish a strategy in autumn 2014, setting out its non-legislative response to modern slavery.⁵⁸ Yvette Cooper, the Shadow Home Secretary, expressed her broad support for the Bill.⁵⁹ However, she argued that the NRM should be placed on a statutory footing.⁶⁰ She also supported the Joint Committee’s call for a separate offence of child exploitation, echoed the Committee’s concerns about domestic workers and stated that she also favoured legislative action on supply chains.⁶¹

6. Committee Stage

The Public Bill Committee on the Modern Slavery Bill published a call for written evidence on 9 July 2014.⁶² The Bill had eleven sittings in committee, between 21 July and 14 October 2014. In its first session, the Committee took oral evidence from a range of witnesses.⁶³ The Committee agreed a small number of government amendments to the Bill.⁶⁴ Amongst a range of more minor changes, key government amendments added a requirement for people who may be subject to either of the proposed new prevention orders to notify the authorities of their name and address. A number of divisions took place on amendments tabled by other members of the Committee. A new clause, moved by David Hanson, Shadow Minister for Home Affairs, aimed to reverse changes to visas for overseas domestic workers. The new clause was defeated on division only after the Chair added his vote to the noes.⁶⁵

⁵⁴ *ibid*, p 28.

⁵⁵ *ibid*, p 23.

⁵⁶ A House of Commons Library note provides a more detailed account of the background to the introduction of the Bill: [Modern Slavery Bill 2014–15](#), published 2 July 2014, amended 07 July 2014, RP14/37.

⁵⁷ HC *Hansard*, 8 July 2014, [col 166](#).

⁵⁸ *ibid*, [col 178](#). At the time of writing, on 12 November 2014, this strategy had not yet been published. Theresa May, the Home Secretary, indicated in a written statement published on 11 November 2014, that the strategy would be published “shortly” (HC *Hansard*, 11 November 2014, [col 67WS](#)).

⁵⁹ *ibid*, [col 179](#).

⁶⁰ *ibid*, [col 181](#).

⁶¹ *ibid*, [cols 183–5](#).

⁶² Parliament website, [‘Have Your Say on the Modern Slavery Bill’](#), 9 July 2014.

⁶³ Proceedings of the Committee’s sessions, along with all written evidence, can be found on the Committee’s page of the Parliament website: [‘House of Commons Public Bill Committee on the Modern Slavery Bill 2014–15’](#).

⁶⁴ A House of Commons Library note provides a more detailed account of the committee stage on the Modern Slavery Bill, along with a summary of the second reading debate: House of Commons Library, [Modern Slavery Bill: Progress of the Bill](#), 28 October 2014, SN07006.

⁶⁵ House of Commons Public Bill Committee, Modern Slavery Bill, [Eleventh Sitting](#), 14 October 2014.

7. Report Stage

The report stage and third reading debate took place on 4 November 2014. A programme motion was agreed.⁶⁶ What follows is a summary of the key issues which were discussed during the report stage debate and the significant changes which were made to the Bill.

7.1 Supply Chains

Karen Bradley, Parliamentary Under-Secretary of State for the Home Department, opened the report stage debate by introducing the government's new clause 11, on 'Transparency in Supply Chains'. The clause sought to introduce a requirement that all businesses which supply goods and services in the UK, with a turnover of an amount to be specified in regulations, would be required to prepare a statement each financial year, describing the steps the organisation had taken to ensure that slavery and human trafficking were not taking place within its own business or any part of its supply chains. The business would be required to publish this statement on its website or to provide a printed copy in response to any written request. The Secretary of State would be able to issue guidance about the duties to be imposed on businesses by the new clause, including setting out guidelines on the kind of information which the statement may include. If a company did not publish a report, a civil injunction could be brought to compel them to do so.⁶⁷

The Home Secretary, Theresa May, announced in a newspaper article in August 2013 that she intended to introduce a Modern Slavery Bill.⁶⁸ In this article, Ms May indicated that she would "like the Bill to encourage companies to make a commitment that their suppliers do not use slave labour". The Modern Slavery Bill Evidence Review Panel, led by Frank Field (Labour MP for Birkenhead) explored the evidence on modern slavery in supply chains.⁶⁹ The panel drew attention to legislation enacted in California to address this issue:

Legislators in California passed the 2010 California Transparency in Supply Chains Act: the first law of its kind. The Act came into effect on 1 January 2012. It applies to all retailers and manufacturers with annual revenues of more than US \$100 million that do business in California. The Act requires these businesses to disclose information about their efforts to eradicate slavery and human trafficking from their direct supply chains where they make tangible goods for sale.⁷⁰

The panel recommended "that the Government adopt legislation, which should apply to all companies over a certain size that do business in the UK, which builds and improves on the California Transparency in Supply Chains Act".⁷¹ The white paper which the Government published on the same day as the review panel's report addressed supply chains as follows: "We will continue to work with businesses on a voluntary basis so they can ensure their workforces and supply chains are not exploited".⁷² The draft Bill which was published as part of the white paper did not include provisions on supply chains.

⁶⁶ HC *Hansard*, 4 November 2014, [col 682](#).

⁶⁷ *ibid*, [col 683](#).

⁶⁸ Theresa May, 'Modern Slave Drivers, I'll End Your Evil Trade', *Sunday Times*, 25 August 2013.

⁶⁹ Modern Slavery Bill Evidence Review Panel, [Report of the Modern Slavery Bill Evidence Review](#), 16 December 2013, pp 43–4.

⁷⁰ *ibid*, p 45.

⁷¹ *ibid*, p 47.

⁷² Home Office, [Draft Modern Slavery Bill](#), December 2013, Cm 8770.

The Joint Committee on the Draft Modern Slavery Bill looked at the question of supply chains in detail, considering evidence on voluntary systems as well as legislative options. The Committee suggested that one “straightforward” option would be to amend section 414C (7) of the Companies Act 2006: “Under this section, quoted companies are required to report on social, community and human rights issues in a strategic report every financial year, or explain why they are not doing so. To this list modern slavery should be added”.⁷³

The Government published a response to the Joint Committee’s report. This highlighted existing requirements for quoted companies to report on human rights. It stated that “in taking any further action in this area the Government is mindful of existing requirements on business [...] The Government wants to work collaboratively with businesses to support them to eliminate forced labour in supply chains, in a way which does not place additional burdens on them”.⁷⁴ In June 2014, a Government press release announced that the Business Minister Jenny Willott had asked the British Retail Consortium to develop “recommendations on the steps that industry can take to help eradicate human rights abuses in their supply chains”.⁷⁵

This issue was raised during the second reading debate, with Yvette Cooper, the Shadow Home Secretary, stating that she favoured legislation on supply chains.⁷⁶ The Public Bill Committee also discussed the issue; a number of new clauses were moved by members of the Committee to try to introduce legislative reporting requirements for companies on supply chains.⁷⁷ Karen Bradley wrote to the chairs of the Committee, indicating that, having received feedback from members of the committee along with input from NGOs and businesses, the Government intended to introduce amendments at report stage, to require businesses over a certain size to report on modern slavery within their supply chains.⁷⁸

Introducing new clause 11 at report stage, Karen Bradley described why the Government’s position had changed on the issue:

The Government have always been committed to encouraging businesses to take action on modern slavery, but I and the Home Secretary wanted to make sure that any further legislative changes were of real value and would not confuse existing arrangements. Having considered carefully the evidence and calls for change, I believe that we can improve the legislative framework further to encourage business to take action.⁷⁹

Diana Johnson, Shadow Minister for Home Affairs, said that the Opposition welcomed the new clause.⁸⁰ However, she raised a number of concerns. She said that the Opposition favoured the approach recommended by the Joint Committee, whereby the reporting requirement should be placed within the framework set out in the Companies Act 2006. The Opposition tabled a new

⁷³ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14, p 88.

⁷⁴ HM Government, [The Government Response to the Report from the Joint Committee on the Draft Modern Slavery Bill](#), June 2014, Cm 8889, p 22.

⁷⁵ GOV.UK, [‘Government Asks Retailers to Lead the Way on Transparent Supply Chains’](#), 25 June 2014.

⁷⁶ HC *Hansard*, 8 July 2014, [col 184](#).

⁷⁷ House of Commons Public Bill Committee, Modern Slavery Bill, [Tenth Sitting](#), 14 October 2014. For a summary of this discussion, please see House of Commons Library, [Modern Slavery Bill: Progress of the Bill](#), 28 October 2014, SN07006, pp 18–19.

⁷⁸ [Letter Dated 13/10/2014 from Karen Bradley MP to David Crausby MP and Mark Pritchard MP Regarding the Modern Slavery Bill and the Government’s Approach to the Issue of Transparency in Supply Chains](#), Deposited Paper DEP2014-1320.

⁷⁹ HC *Hansard*, 4 November 2014, [col 685–6](#).

⁸⁰ *ibid*, [cols 691–2](#).

clause based on regulations to be passed by the Secretary of State under the Companies Act, requiring that quoted companies and large private companies report on modern slavery in their supply chains. The Opposition's amendment set out four headings, which companies would be obliged to comment on in their annual statement on modern slavery. These headings, Diana Johnson argued, would ensure "comparability" between companies' reports.⁸¹

Responding for the Government, Karen Bradley said that the Government did not favour the approach of working within the framework of the Companies Act, because "the duty in that Act applies only to public limited companies. Our measure will require all companies over a certain size to disclose what they are doing to ensure that there is no slavery in their supply chains". She argued that the headings specified by the Opposition's amendment were too prescriptive.⁸² Frank Field, chair of the Joint Committee on the Draft Modern Slavery Bill, stated that the Government's approach was "superior to our proposal to amend the Companies Act", because "the proposed legislation will cover those companies that are large but are owned offshore".⁸³

New clause 11 was added to the Bill without a division.⁸⁴ In the Bill as amended, new clause 11 has become clause 51.

7.2 Anti-Slavery Commissioner

The Government introduced a number of amendments to insert the word 'independent' into the title of the Anti-Slavery Commissioner each time it occurred in the Bill.⁸⁵ The Joint Committee had raised a number of concerns relating to the independence of the Commissioner's role, including the appointment of the Commissioner's staff by the Secretary of State,⁸⁶ and the fact that the Home Secretary may redact information from the Commissioner's annual reports.⁸⁷ The Public Bill Committee discussed the independence of the Commissioner; members of the Committee tabled a number of amendments, including an amendment to add the word 'independent' to the face of the Bill.⁸⁸

At report stage, the amendments introducing the word independent in relation to the Anti-Slavery Commissioner were passed without a division.⁸⁹ During the third reading debate, David Burrowes (Conservative MP for Enfield, Southgate) said:

The amendment that provides that the anti-slavery commissioner is independent is a welcome addition to the Bill. Will the fact that they are now explicitly independent under the Bill affect the selection process, which I understand has already started with the advertising of the position?⁹⁰

⁸¹ *ibid*, [col 693](#).

⁸² *ibid*, [col 687](#).

⁸³ *ibid*, [col 688](#).

⁸⁴ *ibid*, [col 705](#).

⁸⁵ *ibid*, [col 735](#).

⁸⁶ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14, p 79.

⁸⁷ *ibid*, p 81.

⁸⁸ House of Commons Public Bill Committee, Modern Slavery Bill, [Seventh Sitting](#), 9 September 2014. For a summary of this discussion, please see House of Commons Library, [Modern Slavery Bill: Progress of the Bill](#), 28 October 2014, SN07006, pp 10–13.

⁸⁹ HC *Hansard*, 4 November 2014, [col 735](#).

⁹⁰ *ibid*, [col 791](#).

Theresa May responded:

It was always the intention that the anti-slavery commissioner would be independent and that does not affect the selection process. A number of posts under the purview of Government are made by appointment. In my own area, for example, they are appointed by the Home Secretary. I assure my hon Friend that those individuals remain fiercely independent in the work that they do. For example, I do not think that anybody has ever suggested that the appointment by the Home Secretary of the chief inspector of borders and immigration leads to him being anything other than extremely independent in his reports.⁹¹

7.3 Exploitation

At the report stage, the Opposition tabled new clauses to introduce two new offences to the Bill: with new clause 3 it sought to introduce an offence of child exploitation and with new clause 4 an offence of exploitation.⁹² Diana Johnson spoke to the new clauses. She explained that, whereas the Government's approach in the Bill was to consolidate existing offences, she did not think the existing offences were sufficient:

The Government claim that the Bill will enable more prosecutions. To do so, it transposes existing offences from three pieces of legislation into a single Bill. The Bill maintains the current offence of holding someone in slavery and merges two existing offences of human trafficking into a single offence of human trafficking. To secure a prosecution for human trafficking, it is necessary to show that X was trafficked and that this trafficking was done for the purposes of exploitation.⁹³

Ms Johnson illustrated what she saw as the necessity for the new clauses by referring to recent cases which were not covered by current modern slavery offences.⁹⁴

The Joint Committee on the draft Bill recommended the introduction of an offence of child exploitation and an offence of exploitation, as part of a package of six new offences.⁹⁵ The Modern Slavery Bill Evidence Review Panel, led by Frank Field, also called for a distinct child trafficking offence:

A separate child trafficking offence should be included in the Bill, recognising for the first time a criminal offence of 'child exploitation'. This should recognise the specific vulnerabilities of being a child and ensure that non-sexual exploitation of children is better recognised as a standalone crime.⁹⁶

⁹¹ *ibid.*

⁹² *ibid.*, [col 705–6](#).

⁹³ *ibid.*, [col 708](#).

⁹⁴ *ibid.*, [col 710](#).

⁹⁵ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14, p 48.

⁹⁶ Modern Slavery Bill Evidence Review Panel, [Report of the Modern Slavery Bill Evidence Review](#), 16 December 2013, p 17.

During the committee stage debate, MPs considered two new clauses tabled by Fiona Mactaggart (Labour MP for Slough) and two Opposition new clauses, which sought to introduce new standalone offences of exploitation and child exploitation.⁹⁷

Responding to the Opposition’s new clauses at report stage, Karen Bradley said:

The Government’s approach is to consolidate and simplify existing offences into a single Act, which will make it easier for law enforcers to understand...Introducing exploitation offences would risk causing confusion. “Exploitation” is potentially a very broad term, and there is a real risk that we would capture much wider behaviour than was ever intended in this Bill, which focuses rightly on the very serious crimes of slavery and human trafficking.⁹⁸

She addressed calls for distinct child offences:

In some circumstances, child offences are helpful to enable a tougher sentence to be given to criminals who target and abuse children. This Bill introduces a maximum of a life sentence for the main offences in relation to slavery and human trafficking and current sentencing guidelines already highlight offences against children as an aggravating factor for sentencing purposes. There is no practical benefit in establishing a separate child-specific offence when offenders already face the maximum penalty possible—life.⁹⁹

However, Ms Bradley added that “the Government continue to listen to all points that are made on this matter”.¹⁰⁰ The Opposition’s new clause 3 was defeated by 288 votes to 227.¹⁰¹

7.4 Proceeds of Crime

New clause 20 was tabled by Stephen Barclay (Conservative MP for North East Cambridgeshire), Frank Field (Labour MP for Birkenhead) and Sir John Randall (Conservative MP for Uxbridge and South Ruislip). This sought to amend the Proceeds of Crime Act 2002 (POCA) to make it easier to freeze assets. At present, under section 41 in Part 2 of POCA, prosecuting authorities may seek a restraint order at any stage in a criminal investigation or proceeding in order to prevent dissipation of assets which might, eventually, become the subject of a confiscation order. New clause 20 sought to introduce an automatic assumption in cases of suspected modern slavery, that the alleged offender would dissipate assets unless restrained; it also sought to introduce a requirement that assets would be frozen within 24 hours, where there were reasonable grounds to suspect that the assets were gained through modern slavery offences.¹⁰²

The Joint Committee on the Draft Modern Slavery Bill included a chapter on asset recovery in its report. The Committee recommended that “the test for obtaining a restraint order be amended to make it less stringent [...] We recommend that the existing requirement to

⁹⁷ House of Commons Public Bill Committee, Modern Slavery Bill, [Fifth Sitting](#), 4 September 2014. For a summary of this discussion, please see House of Commons Library, [Modern Slavery Bill: Progress of the Bill](#), 28 October 2014, SN07006, pp 6–7.

⁹⁸ HC *Hansard*, 4 November 2014, [col 719](#).

⁹⁹ *ibid.*

¹⁰⁰ *ibid.*

¹⁰¹ *ibid.*, [col 721](#).

¹⁰² *ibid.*, [col 706](#).

demonstrate risk of dissipation be explicitly removed”.¹⁰³ The Home Office submitted a memorandum to the Committee as written evidence on [Effective Recovery of Criminal Assets](#).¹⁰⁴

Speaking to new clause 20 during the report stage debate, Frank Field said: “I know you will be pleased to hear that we will not press the matter to a vote, but we hope that the Minister will pick up the idea and translate it into effect in the other place”.¹⁰⁵ Karen Bradley responded by describing the steps which the Government was already taking to address these issues:

We have amended the definitions of modern slavery offences to make them lifestyle offences for the purposes of the Proceeds of Crime Act 2002 and introduced a reparation order, but we are seeking through the Serious Crime Bill to look at a number of other measures that would tighten up asset recovery overall.¹⁰⁶

7.5 Prostitution

A debate took place during report stage about the law on prostitution. The Opposition tabled new clause 22 which sought to introduce a requirement that the Secretary of State would review the links between prostitution and human trafficking in England and Wales.¹⁰⁷ David Hanson, Shadow Minister for Home Affairs, said:

There are real concerns about trafficked women being exploited in on-street as well as off-street prostitution and about the fact that this exploitation is now being controlled and organised by criminal gangs [...] The Opposition have tabled new clause 22, which seeks to place upon the Government a legal responsibility to undertake a review of these issues in detail.¹⁰⁸

A group of MPs, led by Fiona Mactaggart (Labour MP for Slough) tabled new clause 6 which sought to make it an offence to procure sex for payment.¹⁰⁹ Ms Mactaggart said that prostitution was dangerous, since prostitutes were more likely to be raped, and more likely to be murdered than other women. She suggested that prostitution should not be described as “sex work”, but as “exploitation”. She referred to a range of international examples, and argued that the “decriminalised model” found in New Zealand, the Netherlands and Germany did not work, suggesting “it is at record levels in those countries and involves grotesque exploitation”. She favoured the model found in Sweden where purchasing sex is illegal.¹¹⁰

John McDonnell (Labour MP for Hayes and Harlington) spoke out against new clause 6. He said that “I have met a number of men and women who were not coerced into sex work and do not want their livelihoods to be curtailed by the proposed criminalisation of their clients”. He suggested that many people entered prostitution to overcome economic disadvantage, but argued “the answer is not to criminalise any of their activities, but to tackle the underlying cause by not cutting welfare benefits and ensuring people have an affordable roof over their heads and giving them access to decent, paid employment”. Mr McDonnell argued that “there is

¹⁰³ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14, p 96.

¹⁰⁴ Home Office, [Effective Recovery of Criminal Assets](#), 7 April 2014.

¹⁰⁵ HC *Hansard*, 4 November 2014, [col 716](#).

¹⁰⁶ *ibid*, [col 721](#).

¹⁰⁷ *ibid*, [col 751](#).

¹⁰⁸ *ibid*, [col 757](#).

¹⁰⁹ *ibid*, [col 751](#).

¹¹⁰ *ibid*, [col 761](#).

no evidence that criminalising clients as in the Swedish legislation reduces the number of either clients or sex workers”.¹¹¹

Karen Bradley responded for the Government, saying that:

It is clear that there are very polarised views on this issue. The subject of prostitution raises strong feelings, and it is good that we have had the chance to debate it. It is important to remember, however, that this is a Bill to tackle the heinous and horrendous crime of modern slavery, and I want to continue to focus the Bill on modern slavery.¹¹²

The Opposition’s new clause 22 was defeated by 283 votes to 229.¹¹³

7.6 Gangmasters Licensing Authority

During the report stage debate, the Opposition tabled new clause 1 on the Gangmasters Licensing Authority (GLA). This new clause sought to enable the Secretary of State to make regulations which would extend the remit of the GLA to cover other sectors, beyond the three sectors currently covered by its licensing scheme (agriculture, horticulture and shellfish gathering).

The Modern Slavery Bill Evidence Review Panel had suggested that “it would be desirable to consider extending the powers of the GLA so that they have the scope to be able to begin investigations in sectors outside of their current remit, such as construction, hospitality and catering”, but noted that “this requires careful practical consideration given the current budgetary restrictions throughout Government”.¹¹⁴ The Joint Committee on the Draft Modern Slavery Bill also commented that “the weight of evidence we received suggested that expanding the GLA’s powers and industrial remit would yield positive results. At the same time, we recognise that its resources are already over-stretched, and any expansion in its role would require additional resources”.¹¹⁵ At committee stage on the Bill, the Public Bill Committee discussed the extension of the GLA’s remit, with David Hanson moving a new clause to this effect, which was defeated by ten votes to eight.¹¹⁶

During the report stage, David Hanson spoke to new clause 1. He stated:

My hon Friend the Member for Paisley and Renfrewshire North (Jim Sheridan) introduced legislation on gangmasters in 2004. I pay tribute to him, because that is effective legislation. It has protected workers in three key sectors—agriculture, shellfish collection and horticulture. It has done something all hon Members should be proud of: it has driven out poor standards, protected work forces, and ensured that we do not undercut legitimate workers in those sectors. My argument in new clause 1 is that we

¹¹¹ *ibid*, [col 770](#).

¹¹² HC *Hansard*, 4 November 2014, [col 776](#).

¹¹³ *ibid*, [col 785](#).

¹¹⁴ Modern Slavery Bill Evidence Review Panel, [Report of the Modern Slavery Bill Evidence Review](#), 16 December 2013, p 14.

¹¹⁵ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14, p 91.

¹¹⁶ House of Commons Public Bill Committee, Modern Slavery Bill, [Eleventh Sitting](#), 14 October 2014. For a summary of this discussion, please see House of Commons Library, [Modern Slavery Bill: Progress of the Bill](#), 28 October 2014, SN07006, p 18.

should give the power to the Secretary of State to extend that [...] What is good for the horticulture, agriculture or shellfish collection sectors should be good for other sectors, such as care homes and construction.¹¹⁷

Karen Bradley responded for the Government. She said that “the new clause would open the way for the GLA’s remit to be extended to any area of work or sector, which would be a much broader role than its current territory. I have concerns about such a broad role”. The Government published a triennial review of the GLA in June 2014. However, the question of whether to extend the GLA’s remit to other sectors was outside the scope of the review.¹¹⁸ New clause 1 was defeated by 292 votes to 234.¹¹⁹

7.7 Overseas Domestic Workers

During the report stage debate, the House divided on new clause 2. The new clause was tabled by the Opposition and sought to reverse changes made to the Immigration Rules in 2012, which meant that domestic workers who migrated to the UK with an overseas employer were not permitted to change employer.

The Modern Slavery Bill Evidence Review Panel addressed this issue, suggesting that “this visa rule should be abolished in order to give exploited staff the opportunity to escape their positions”.¹²⁰ The Joint Committee on the Draft Modern Slavery Bill also recommended that “the Home Office reverse the changes to the Overseas Domestic Worker Visa”.¹²¹ The Government’s response to the Joint Committee stated that “permitting a change of employer once in the UK would not be compatible with the purpose of the route, which is to allow a short visit with an existing employer”.¹²² The Equality and Human Rights Commission, and charity Kalayaan, have both supported the Joint Committee’s recommendation on domestic workers.¹²³

The Public Bill Committee discussed the issue; David Hanson tabled a new clause which would have reversed the changes to the visa. When the Committee divided on the new clause, there were nine votes for and nine against; in accordance with the standing orders the Chair was required to make a decision, and he gave his vote to the noes, whereby the new clause was defeated.¹²⁴

Speaking to new clause 2 at report stage, David Hanson said:

The previous Government put in place a regime for migrant domestic workers who accompanied employers to the UK. The current Government changed the regime in

¹¹⁷ HC Hansard, 4 November 2014, [col 753](#).

¹¹⁸ Department for Environment, Food and Rural Affairs, [Report of the Triennial Review of the Gangmasters Licensing Authority](#), April 2014, p 11.

¹¹⁹ HC Hansard, 4 November 2014, [col 776](#).

¹²⁰ Modern Slavery Bill Evidence Review Panel, [Report of the Modern Slavery Bill Evidence Review](#), 16 December 2013, p 14.

¹²¹ Joint Committee on the Draft Modern Slavery Bill, [Draft Modern Slavery Bill: Report](#), 8 April 2014, HL Paper 166 of session 2013–14, p 101.

¹²² HM Government, [The Government Response to the Report from the Joint Committee on the Draft Modern Slavery Bill](#), June 2014, Cm 8889, p 28.

¹²³ Equality and Human Rights Commission, [Modern Slavery Bill: House of Commons Second Reading](#), 8 July 2014; and [Kalayaan](#) website, accessed 11 November 2014.

¹²⁴ House of Commons Public Bill Committee, Modern Slavery Bill, [Eleventh Sitting](#), 14 October 2014. For a summary of this discussion, please see House of Commons Library, [Modern Slavery Bill: Progress of the Bill](#), 28 October 2014, SN07006, p 20.

April 2012. Overseas domestic worker visa holders are now tied to their original employer and the visa is not renewable beyond its initial six-month duration. We have had two-and-a-half years of the new regime since April 2012, and there is real concern that it has been detrimental to domestic workers and is causing real challenges in the system that need to be considered.¹²⁵

Karen Bradley responded for the Government. She said that she could “sympathise with the intention behind new clause 2”, but argued that it was not the correct solution. She said “we have seen no evidence that instances of abuse of those here on overseas domestic worker visas have increased since the right to change employer was removed”.¹²⁶ Ms Bradley outlined action which the Government was taking to protect overseas domestic workers: “It is very important that overseas domestic workers know their rights in the UK and where they can seek help. The House will be pleased to know that a pilot is now under way to hand out very simple and easy-to-understand information cards on arrival to the UK”.¹²⁷

The House divided on new clause 2; it was defeated by 288 votes to 234.¹²⁸

8. Third Reading

Following the completion of the report stage, Theresa May moved that the Modern Slavery Bill should be given a third reading. She said that the Bill was “the first of its kind in Europe”, and suggested that it “sends out a powerful message” about the Government’s commitment to addressing slavery and trafficking.¹²⁹ She highlighted the changes which the Bill had undergone during committee and report stage, and in pre-legislative scrutiny:

I think that the Bill has been greatly improved by its passage through this House, demonstrating the value of parliamentary scrutiny. I pay tribute to the members of the pre-legislative scrutiny Committee [...] The Committee held an intensive and thorough inquiry and produced a report that led to significant improvements in the Bill [...] There has been genuine debate, in Committee and throughout the stages in this Chamber, on the various issues in the Bill, and I think it is, in a number of aspects, a better Bill as a result. We have responded on the issue of supply chains. We have added the new provision on the statutory defence for victims of modern slavery who are compelled to commit crimes.¹³⁰

Mrs May drew the attention of the House to the non-legislative action which the Government were intending to take alongside the provisions of the Bill:

This Bill will stand alongside our wider programme of work to tackle modern slavery nationally and internationally. It is an important step, but if it is to be implemented effectively we need concerted effort from all those involved. That is why we will publish a comprehensive strategy to tackle modern slavery that will complement the legislative framework that we are putting in place.¹³¹

¹²⁵ HC *Hansard*, 4 November 2014, [col 755](#).

¹²⁶ *ibid*, [col 775](#).

¹²⁷ *ibid*, [col 774](#).

¹²⁸ *ibid*, [col 780](#).

¹²⁹ *ibid*, [col 789](#).

¹³⁰ *ibid*, [col 790](#).

¹³¹ *ibid*, [col 790](#).

For the Opposition, Yvette Cooper responded to say that the Modern Slavery Bill was “an important Bill, which we support”.¹³² She suggested that the Bill “builds on the work [...] of the previous Government, who criminalised trafficking in 2003, introduced the new offence of forced labour, slavery or servitude in 2009 and created the national referral mechanism and the UK Human Trafficking Centre”. Ms Cooper said that the Government was “right to introduce new offences, a new commissioner and the new civil orders”. She also welcomed the “changes that the Government have started to make on supply chains”.¹³³ However, she suggested that the Bill “does not go far enough”:

On law enforcement, the main offences at the heart of the Bill, particularly in clause 2, are not strong or simple enough to ensure that we can prosecute the criminals who drive this evil trade. It is such a shame that the Government have not listened to all those calling for separate offences of trafficking and exploitation, and for separate offences for children. We know that the law fails to protect children, and this is an opportunity to strengthen the law through a separate offence of child exploitation. I really hope that the other place will take that chance. I urge the Home Secretary to give this matter further consideration and I urge the Government to respond in the other place.¹³⁴

Ms Cooper also asked:

Why do the Government not go further and help domestic workers? Their visa reforms have made things worse, trapping more domestic workers into slavery. Why will they not admit that they have got things wrong and look at that again? Why will they not do more to help victims—the most important thing of all—through guardians, strengthened referral mechanisms and the anti-slavery commissioner? We hope that the other place will consider what more can be done to improve support for victims. Why do the Government not look further at the links between trafficking and prostitution, which also drive the evil trade?¹³⁵

Frank Field, who led the Modern Slavery Bill Evidence Review Panel and the Joint Committee on the Draft Modern Slavery Bill, said:

Fifteen months ago there was no talk of this Bill, and tonight there are a few scratchy comments about whether it could be an even better world-class Bill—it will be when it leaves the other place. There are three tasks to do, and they are the difficult tasks as opposed to getting a world-class Bill. One is about victims, and that immensely difficult task will take time and resources. There is also the question of how we educate a new consumer movement, so that consumers enforce the Bill by refusing to touch goods and services made by slaves. The Secretary of State will have a world-class Bill, so I hope she will take it to the Commonwealth and enliven that body.¹³⁶

The Bill received its third reading without a division.

¹³² *ibid*, [col 792](#).

¹³³ *ibid*, [col 793](#).

¹³⁴ *ibid*, [col 792](#).

¹³⁵ *ibid*, [col 793](#).

¹³⁶ *ibid*, [col 795](#).