



Global Compact  
Network Australia

# 2024 Working Group

## Labour exploitation within maritime shipping supply chains

8 GOOD JOBS AND ECONOMIC GROWTH



10 REDUCED INEQUALITIES



## Terms of Reference

2024

### 1. Introduction

In line with its mission to promote sustainability leadership and encourage business respect for internationally recognised human rights, the UN Global Compact Network Australia (**UNGCNA**) has established a Working Group to support UNGCNA participants to connect and learn about mitigating the risk of being involved in labour exploitation within the maritime shipping supply chain (**Maritime Shipping WG**).

While Maritime Shipping WG members will be able to provide input into the content covered in the sessions, discussions will likely focus on:

- Understanding the potential risks of labour exploitation involved in the use of maritime shipping
- Relevant tools and methodologies used by other UNGCNA participants to assess risks associated with maritime shipping
- Connecting with broader actors involved in seafarer welfare and the maritime shipping supply chain

As a cross-sector, cross-industry Working Group, participation in the Maritime Shipping WG will provide members with the opportunity to connect with broader actors involved in the protection of seafarer welfare. External experts and Maritime Shipping WG members will be engaged to provide presentations where appropriate. As a peer-learning WG, members will be expected to take part in facilitated discussions, share their own challenges, learnings and experiences.

UNGCNA will communicate the activities of the Maritime Shipping WG via email. Calendar invites will be sent to nominated participant representatives.

### 2. Purpose of the Labour exploitation within maritime shipping supply chains Working Group (Maritime Shipping WG)

The purpose of the Maritime Shipping WG is to:

- Connect UNGCNA participants together with experts and peers to understand the nature of the maritime shipping supply chain, potential risks of labour exploitation at sea and relevant actors involved in the protection of seafarer welfare;
- Provide a space for UNGCNA participants to discuss leading practice relating to identifying, managing and mitigating the risk of being involved in labour exploitation at sea, including relevant certifications, due diligence processes and reporting mechanisms;

- Connect UNGCNA participants with key actors in the maritime shipping space, such as Government, civil society, unions, shipping and ship owner associations, with the purpose of enabling cross-sector knowledge sharing in order to inform the design of interventions, seafarer engagement and grievance mechanisms.

### 3. Membership in the Labour exploitation within maritime shipping supply chains Working Group (Maritime Shipping WG)

Membership in the Maritime Shipping WG is open to participants of the UNGCNA. Interested participants will be invited to submit an Expression of Interest outlining relevant work and capacity in this area. Expressions of Interest will open on **12 March 2024** and close on **20 March 2024**.

#### *Restricted to 20 organisations*

To ensure dialogue in the Maritime Shipping WG remains focused and targeted, membership in the Maritime Shipping WG will be **limited to 20 organisation per calendar year**.

- Membership in the Maritime Shipping WG lasts for one calendar year.
- Where UNGCNA receives more than 20 Expressions of Interest, it will place subsequent expressions on a waiting list.
- Members that fail to be represented by either nominated representative at two consecutive meetings without prior notice will be formally notified via email that their membership has been suspended and offered to the next organisation on the waiting list. No refunds will be offered for membership suspension due to non-attendance.

#### *Requirements for nominated representatives*

- To facilitate peer learning and capacity building with participating organisations, each member **may nominate two representatives per organisation**. Membership is non-transferable without consultation with UNGCNA. At least one nominated representative must have:
  - An understanding of relevant human rights due diligence related standards, including the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines on Responsible Business Conduct for Multinational Enterprises*;
  - Visibility of the approach taken by the organisation towards managing risk associated with the use of maritime shipping, **including as an owner or charterer of vessels, or as a cargo owner**;
  - Sufficient experience to engage in an external dialogue, including leading and presenting at Maritime Shipping WG sessions where relevant;
- Both company representatives must be willing and available to attend all WG sessions.

Both nominated representatives are responsible for disseminating information and learnings from the Maritime Shipping WG to their colleagues, including those working in functions that can

A list of organisations represented in the Maritime Shipping WG will be made available on UNGCNA's public website. If requested by a particular member, we will omit publishing their representation in the WG.

If there is available space, participants of the UNGCNA that are interested in joining the Maritime Shipping WG and meets the criteria outlined, may express their interest by emailing [secretariat@unglobalcompact.org.au](mailto:secretariat@unglobalcompact.org.au) inserting [EOI: Maritime Shipping WG] in the subject heading at any time.

#### *Consultants, professional services and law firms*

Membership for consultants, professional services and law firms in the Maritime Shipping WG is permitted, subject to the following conditions:

- The representative must be either engaged in managing the firm’s risk of being involved with labour exploitation relating to maritime shipping **or** have experience in the provision of advisory services relating to maritime shipping, including relating to modern slavery where relevant;
- The representative agrees that they or their associates will not use or leverage their attendance at Maritime Shipping WG to solicit business from any UNGCNA members for their firm; and
- If the previous condition is breached, UNGCNA may, at their sole discretion, remove the firm or their representative from the Maritime Shipping WG.

Individuals representing consultants, professional services or law firms must not solicit work during the course of engagement through the Maritime Shipping WG. Any information acquired during the Maritime Shipping WG meetings must not be used in the context of sales, marketing or other commercial purposes unless permission has been sought and agreed by the UNGCNA, or relevant company representative.

#### **4. Expectations of nominated representatives**

In order to maximise opportunities for peer learning, WG members will be expected to:

- Actively participate in every meeting. When the meeting is online, members will be asked to keep cameras on throughout.
- Share information on how their company is approaching the selected meeting topic, as well as the obstacles, successes, and learnings they have experienced in the process.
- Highlight practical actions they are taking to address challenges associated with managing risks associated with the use of maritime shipping.

#### *Conduct within the Maritime Shipping WG*

- The Chatham House Rule will apply to all Maritime Shipping WG meetings, unless explicitly agreed in advance by all participants.
- Participants are expected not to share or disseminate information acquired during WG meetings with people outside their organisation, without express permission from UNGCNA.
- Nominated representatives should not consider membership within the Maritime Shipping WG to be an opportunity for business development.

#### **5. Maritime Shipping WG Meeting Schedule**

The UNGCNA will convene at least four WG meetings in 2024. The focus of each meeting will be confirmed throughout the year, based on participant needs, trends in the market, relevant events and regulatory movement.

- UNGCNA may choose to invite guest speakers where relevant to share technical expertise on each selected topic.
- Each meeting will incorporate a peer-to-peer learning and sharing component.

#### *Dates*

The scheduled dates for the Maritime Shipping WG in 2024 are as follows (note that scheduled dates are subject to change):

Date	Time	Location
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Session #1	Wednesday 8 May	11:00am – 12:30pm AEDT	Virtual
Session #2	Wednesday 31 July	11:00am – 12:30pm AEDT	Virtual
Session #3	Thursday 12 September	11:00am – 12:30pm AEDT	Virtual
Session #4	Wednesday 13 November	11:00am – 12:30pm AEDT	Virtual

## 6. Meeting Modalities

- Each meeting will consist of an interactive engagement of at least 1.5 hours in duration.
- Agendas and any pre-read will be issued to participants at least 5 business days prior to the meetings to allow for review and preparation.
- Dates of meetings and attendance invitations to be set in the first quarter of each year.

Where appropriate, updates and outputs will be shared by the UNGCNA with our broader membership via the UNGCNA Bulletin and Human Rights Working Group webpage on our website:

<https://unglobalcompact.org.au/business-human-rights/working-groups/>.

At the end of the year, UNGCNA will publish a short summary of the key takeaways from the Maritime Shipping WG meetings across the year. The learnings will be anonymised, but participants will be asked prior to the report being published if their organisation wishes to be listed in the appendix as a WG member.

## 7. Cost of the Maritime Shipping WG

The cost of joining the Maritime Shipping WG is AUD \$900.00 + GST for the calendar year. Companies will be invoiced prior to the first meeting of the group. The fee is fixed for the calendar year and refunds will not be issued should a nominated representative fail to attend one or more session.

## 8. Competition law considerations

Recognising that working groups are designed to promote multi-party engagement on challenging ESG issues, UNGCNA reminds all participants of their competition law obligations and recommends certain procedures to mitigate any risks.

- Competition law limits how businesses can communicate and cooperate with each other – this is particularly relevant to interactions between competitors.
- Certain types of cooperation can undermine competition, raise legal risks under the *Competition and Consumer Act* and potentially lead to an investigation and enforcement action by the Australian Competition and Consumer Commission.
- This could include agreements to fix prices, rig bids, divide up markets or restrict output.

Exchanges of sensitive commercial information, such as internal pricing information, strategic plans, customer lists and bidding plans, can also raise competition law risks. As such, within working groups convened by the UNGCNA, members must not:

- Raise sensitive commercial information;
- Discuss plans or encourage others to cooperate in a way that could lessen competition (eg move business towards or away from a particular suppliers)

To assist in facilitating constructive discussion on working towards shared sustainability goals, the Chair of the Maritime Shipping WG will:

- Ensure that the content of WG calls is documented in order to preserve a record of all discussions.

- Remind participants of our competition law protocol at the outset of each call.
- Require a discussion to cease if it lends itself towards discussion of sensitive commercial information.

If any participant has concerns about the nature of discussions or cooperation in the WG they should seek their own legal advice and advise the Chair of the Maritime Shipping WG of the nature of their concerns.

## 9. Complaints

Concerns regarding any aspect of the Maritime Shipping WG should be conveyed in writing and emailed to:

- Chris Caskey, Manager, Human Rights, UN Global Compact Network Australia:  
([Chris.Caskey@unglobalcompact.org.au](mailto:Chris.Caskey@unglobalcompact.org.au)).

## 10. Participant Acknowledgement

By signing the below, \_\_\_\_\_ (participant representative name) agrees to the UNGCNA Maritime Shipping Working Group Terms of Reference 2024.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_