

## **Response to public consultation on the proposal on prohibiting products made with forced labour on the Union market**

Primark is an international fashion retailer, based in Dublin, Ireland, with over 430 stores across 14 EU member states, plus the UK and US, and employing more than 70,000 colleagues worldwide. Founded in Ireland in 1969 under the Penneys brand, we aim to provide affordable choices for everyone, from great quality everyday essentials to stand-out style for women, men and kids, as well as beauty, homeware and accessories.

Primark is working to make more sustainable fashion affordable for everyone and we are committed to the transition towards more circular production and use of clothing and textile products. Our ambition is to give clothing a longer life, protect life on the planet and support the livelihoods of people who make Primark products. As part of this, we have unveiled a series of commitments we are working to achieve by 2030.

We welcome the opportunity to comment on the proposal on prohibiting products made with forced labour on the Union market. Modern slavery, including forced labour, child labour and human trafficking, is one of the most prominent risks within global supply chains. Primark bans all forms of modern slavery across our supply chain in line with our [Supply Chain Human Rights Policy](#) and Supplier [Code of Conduct](#), which are aligned to the United Nations Guiding Principles and OECD Due Diligence Guidance. Further information on our position, procedures and approach can be found in our annual [Modern Slavery Statement](#).

### **Consultation questions**

#### **1. General views or comments on the proposed regulation**

We support the proposed regulation and hope the proposal can work in the interests of workers worldwide. We also hope that the regulation will level up the playing field for responsible businesses. We would be happy for direct consultation on supply chain due diligence, as we believe that we have relevant information on approach and procedure, as well as experience in investigation and provision of remediation, but were not sure how much detail was required for the consultation.

#### **2. Is the proposed regulation an appropriate, proportionate and well targeted approach to ensure that products made using forced labour cannot enter or leave the European Union?**

Generally yes.

#### **3. Does the proposed regulation capture all necessary elements to address forced labour?**

We believe that the proposed regulation needs clearer definitions, in particular:

1. What constitutes forced labour under the proposed regulation? The current ILO Indicators of Forced Labour do not individually constitute forced labour and the ILO's general definition of forced labour is too broad. The regulation will need to be clear on what would constitute the sort of forced labour to be banned.
2. Better definitions are required relating to the approach to be adopted in question 2 above, as well as responsibility for remediation, as per our response in 4.1 below.

**4. Are there any additional objectives that should be included in the proposal? What are they?**

We believe that consideration should be given to the following:

1. Provision of remediation to those found to be in the situation of forced labour that leads to a product being withdrawn. An example of this is provided [here](#).
2. The destination of products that are withdrawn, as this should not lead to environmental impacts or “dumping” of products in third countries.
3. Access to finance for remedy for employers responsible and also the provision of financial vehicles to do so (eg a “[remediation Bond](#)”).
4. The adoption of a principle that workers should not be worse off as a result of the new legislation or its enforcement, to the extent that due diligence and remedy are reasonably practicable.

**5. How do you think the proposed regulation can be effectively enforced, for example, EU-wide competent authority, Member State competent authority/authorities?**

However it is effected, it is critical that there is consistency in approach across all EU member states to avoid the confusion caused by having to comply with multiple regimes with differing interpretation of the legislation and its enforcement. In our view, this is most likely to be achieved through the introduction of a central EU-wide competent authority. In an ideal world, we would also like to see harmonisation between the EU and other regimes in, say, the US and UK, recognising the challenges that this would present. It is confusing for business to have to deal with different regimes designed to tackle the same issues.

**6. How should economic operators be supported to meet their obligations under this proposed regulation?**

1. Awareness raising and information on the ILO Indicators of Forced Labour.
2. Awareness raising and information on routes to good practice and routes to remedy (for example the Employer Pays Principles and the Principles of Repayment).
3. To support our response in (4.4) above, a phased approach to enforcement may be required to allow provision of remedy to workers and improvements to supply chain practices

We would be pleased to discuss our views in more detail should you want more information and/or clarification of any of the above. However, should further expert and independent opinion be required, we would suggest further consultation with “[Impactt](#)”, a London-based worker rights consultancy who, in our experience, have the deepest and most insightful experience in work to combat forced labour in supply chains.

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