



PROTECTIONS AGAINST TRAFFICKING IN PERSONS

Sample Code of Conduct Provisions for Private Security

A Code of Conduct establishes basic performance expectations for a company and its subcontractors, service providers, suppliers, and agents. It is important that your company sourcing policy or Code of Conduct explicitly prohibits human trafficking in recruitment of security staff and personnel, in the delivery of security services, and sets out protections for workers. The sample provisions below can be used by private security companies — or any company that contracts with security service providers — as they consider how best to create, strengthen, or revise their own policies and procedures to prevent trafficking in persons. Please see the Introduction to this Toolkit for a definition of human trafficking.

The sample Code provisions for combating trafficking in persons should address factors that may contribute to situations or risks of human trafficking but are not intended to ensure compliance with specific legal requirements, such as those in the U.S. Federal Acquisition Regulation (FAR): Combating Trafficking in Persons. Specific compliance requirements should be detailed in the terms and conditions of contracts and service agreements with recruitment agents, subcontractors, and customers.

Throughout this document and other tools for compliance in the private security sector, efforts have been made to align with both international and voluntary standards. The UN

ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect human rights and humanitarian law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers. The ICoCA Code articulates responsibilities of private security companies under human rights and international humanitarian law to ensure the responsible provision of private security services, particularly when operating in complex environments.

Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children is the primary international instrument centered on trafficking in persons and overseen by the UN Office on Drugs and Crime (UNODC). The International Labour Organization (ILO) is the UN agency that sets internationally recognized labor standards. For more information on international frameworks relevant to human

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trafficking in the private security sector see [Tool 03](#). These Code of Conduct provisions specific to preventing human trafficking were developed to be used in concert with the [International Code of Conduct for Private Security Service Providers \(or the “ICoC Code”\)](#), and should reference the ICoCA Code.

Companies should work to communicate and enforce their Code of Conduct throughout their labor supply chain and with their vendors and customers, if relevant. This is particularly important for the private security industry because human trafficking risk, as well as risk of other labor abuses, is present in both the recruitment of security personnel and in the delivery of security services at the customer’s worksite.

HUMAN TRAFFICKING

The company strictly prohibits trafficking in persons in all our operations, in those of our recruitment business partners and subcontractors, and in the delivery of security services at our customers’ sites and operations.

Company policies should also provide definitions of relevant forms of human trafficking including forced labor. See the Introduction to this Toolkit for further details.

Company personnel shall not be subject to any form of forced, compulsory, bonded, or indentured labor. All work must be voluntary, and personnel shall have the freedom to terminate their employment at any time without penalty, upon giving reasonable notice.

Company personnel in the performance of their duties will not engage in or contribute to human trafficking and will be alert for and report any such cases to the competent authority. (Note that this is aligned with Clause 39 of the ICoC.)¹

¹ It is not uncommon to require personnel to report violations to the company first following established procedures. It is then the company’s responsibility to report to competent authorities when appropriate. While there are several possible reasons for this policy, if an individual fears retaliation by the company, reporting to the competent authority directly may be their only viable recourse.

CHILD LABOR

The recruitment and employment of any person under 18 is prohibited.

The prohibition against child labor is particularly critical due to the nature of private security work, which may involve the use of firearms, overtime work and night work.

RECRUITMENT FEES AND EXPENSES

Personnel shall not be charged any fees or costs for recruitment, directly or indirectly, in whole or in part, including costs associated with travel to the receiving country, required training, or processing official job-related documents and work visas in home, transit, and host countries.

The U.S. Federal Acquisition Regulation (FAR): Combating Trafficking in Persons prohibits all recruitment fees, and [Federal Acquisition Regulation subpart 22.1702](#), includes a definition of recruitment fees.

A wide variety of expenses may present indirect costs to recruitment. Companies should use supporting documents to operationalize and guide code implementation.

Personnel shall be provided with return transportation to their country of origin or compensation for the cost of return transportation to their country of origin upon the end of employment.

CONTRACTS OF EMPLOYMENT

Written contracts of employment shall be provided to all personnel in their native language or a language they understand, clearly indicating their rights, responsibilities, and conditions of employment, including wages and rates of pay, benefits, working hours (including any requirements for shift-based work, if applicable), locations of the work, transportation to and from the work site (if applicable), living conditions, housing and associated costs, work-related hazards, and other working and employment conditions.

Personnel who are migrant workers (or foreign citizens not residing in the country of employment) shall be provided with a copy of their employment contract at least five days prior to deployment from their home country.

In addition to the written agreement, all personnel shall be provided an oral explanation in a language they understand of the contract's terms and conditions before signing.

The practice of contract substitution or use of supplemental agreements to replace an original contract of employment, or any of its provisions with a new contract or terms that are less favorable to personnel, is strictly prohibited.

The required notice period for personnel to terminate their contracts before the contracted end date shall not exceed one month or what the law requires, whichever is shortest. After beginning work, personnel shall not be penalized for early termination of their employment contracts upon giving the required notice.

The notice period shall be waived for situations in which personnel have suffered harassment or abuse of any kind, including those who are survivors of trafficking in persons, sexual assault, and rape. The employer shall also be responsible for paying the cost of return transportation to the country of origin for the affected personnel.

RETENTION OF PERSONAL DOCUMENTS

Confiscating, destroying, withholding, or otherwise denying personnel access to personnel's identity or immigration documents, including work permits and travel documentation (e.g., passports), is strictly prohibited.

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Personnel must be provided with individual, secure, and lockable storage for their identification documents and other valuables that is accessible to them at all times.

Personnel will not participate in client programs to confiscate or restrict their employees' access to passports and other personal identity documents unless required by law.

DEPOSITS

Foreign migrant personnel shall not be required to lodge monetary deposits, security payments, or have a portion of their pay withheld at any time as a condition of obtaining or retaining employment.² Personnel shall not be held in debt bondage or forced to work in order to pay off a debt.

HEALTH, SAFETY, AND WELLBEING

Workers shall be provided with safe and hygienic working and living environments in accordance with prevailing industry standards and local legal requirements. This means:

- Injury and illness to personnel and/or to the local population — caused directly or indirectly by the activities of personnel — shall be prevented by the identification, evaluation, and control of health and safety hazards.
- Hazards shall be controlled following the control hierarchy of elimination, substitution, engineering controls, and administrative controls. Suitable personal protective equipment shall be provided and used when hazards cannot be adequately controlled by other means.
- Emergency preparedness and response plans shall be established to address likely emergency situations.
- Appropriate first aid and subsequent medical treatment needed to allow personnel to effectively recover from their injuries and illnesses shall be

² There can be no charge or deposit for any item that is required for the job. The employment contract can include terms stating that the cost of these items required for the job and provided by the company during the period of employment will be deducted from the employee's final paycheck if not returned.

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provided to injured or ill personnel at a cost in accordance with prevailing local standards and return them to their original job assignments.

- Personnel exposure to chemical, biological, and physical agents will be routinely evaluated and controlled to prevent occupational disease or harm.
- Personnel accommodation and food storage, preparation, and dining areas shall be maintained clean, safe, and hygienic.

Further information on various specific health and safety risks should be further defined in supporting guidance documents.

HUMANE TREATMENT

The workplace shall be free of any form of harsh or inhumane treatment.

Disciplinary policies and procedures shall be clearly defined and communicated to all personnel and shall not include any inhumane disciplinary measures, including any corporal punishment, mental or physical coercion, or verbal abuse. The use or threat of physical or sexual violence, harassment, and intimidation against personnel, their families, or close associates, is strictly prohibited.

Disciplinary procedures shall not include wage deductions, reductions in benefits, ineligibility for bonuses and overtime, or compulsory labor.

Personnel shall respect human rights in the execution of their job responsibilities, consistent with the law and international guidelines, including the provisions of the ICoCA Code and the Voluntary Principles on Security and Human Rights.

A supporting guidance document can lay out human disciplinary measures in greater detail. For example, it might prescribe disciplinary measures that are proportionate to the fault, such as by differentiating between misconduct, gross misconduct, etc., thereby avoiding “threats” of termination for minor misconducts, where not repeated.

WORKPLACE EQUALITY

All personnel, irrespective of their nationality, ethnicity, race, gender, or legal status, shall be treated fairly and equally. Foreign migrant personnel shall benefit from conditions of work no less favorable than those available to country nationals, including but not limited to wages, benefits, and accommodations.

Foreign migrant personnel shall not be threatened with denunciation to authorities or with termination of employment as coercion to take or maintain, as relevant, employment.

WAGES AND BENEFITS

All personnel shall be paid at least the minimum wage required by applicable laws for all hours worked and shall be provided all legally mandated benefits.

Wage payments shall be made at regular intervals and directly to personnel, in accordance with applicable law, if any, and shall not be delayed, deferred, or withheld. Wage deductions must not be used to keep personnel tied to their jobs.

Only deductions, advances, and loans authorized by national law are permitted and, if made or provided, shall only be taken with the full consent and understanding of personnel. Information shall be provided to personnel at the time of their hire about hours worked, rates of pay, and the calculation of legal deductions.

All personnel must retain full and complete control over their earnings. Deception in wage commitments, payment, advances, and loans is prohibited.

WORKING HOURS

Workers shall not be required to work more than the number of hours permitted by law. Where the law is silent, normal working hours shall not exceed 48 hours per week, and total working hours including overtime shall not exceed 60 hours.

All overtime shall be voluntary unless part of a legally recognized collective bargaining agreement. Personnel shall not be made to work overtime under the threat of penalty, dismissal, or denunciation to authorities, nor shall they be made to work overtime as a disciplinary measure.

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Compensable hours, including any mandatory meetings, trainings, or other activities that may occur before, during, or after normal working hours, shall be recorded, and systematic accurate records of hours must be kept.

FREEDOM OF MOVEMENT AND PERSONAL FREEDOM

Personnel shall have unrestricted access to basic necessities such as potable drinking water, toilets, shade from sun, and shelter from rain during both working and non-working hours at the work site and in employer provided or arranged housing.

Personnel freedom of movement shall not be unreasonably restricted. Personnel shall not be physically confined to the workplace or related premises, such as employer- or recruiter-provided housing; nor shall any other coercive means be used to restrict the freedom of movement or personal freedom of personnel.

Mandatory residence in employer-provided or arranged facilities shall not be made a condition of employment unless required by law or for assignments in remote locations where alternative housing is not available. Where mandatory residence is a condition of employment due to these special circumstances, all terms and conditions shall be accurately communicated to workers in their contracts.

Foreign migrant personnel may change employers without requiring permission from their employer.

GRIEVANCE PROCEDURES

An effective, confidential grievance process shall be established to ensure that any personnel, acting individually or with others, can submit a grievance without suffering any prejudice or retaliation of any kind. The grievance procedure shall include an appeal process for personnel who disagree with how a grievance is resolved. The grievance process shall be available from the point of recruitment and shall be available in the native language of personnel or a language they understand.

There shall also be a grievance mechanism for third parties to report allegations of conduct or acts of omission by personnel that violate the human rights of an individual, community, or other stakeholder, in breach of applicable codes of conduct, such as the International Code of Conduct for Private Security Service Providers, and international standards, including the Voluntary Principles on Security and Human Rights.

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Grievances or complaints about the conduct of ICoCA member or affiliate personal service contractors may be submitted by anybody who has been harmed or has reason to believe that a violation of the ICoCA Code has occurred or is about to occur:

<https://icoca.ch/registering-a-complaint/>.

PRIVATE EMPLOYMENT AGENCIES AND LABOR RECRUITERS

Personnel should be hired directly whenever possible. When the subcontracting of recruitment and hiring is necessary, the Company will verify that any labor agencies engaged operate legally, can demonstrate that they are certified or licensed by the competent authority in their country of operation, respect human rights, do not charge recruitment fees, use only trained employees, and do not engage in fraudulent recruitment practices that place personnel at risk for human trafficking.

The recruitment of personnel in one country for employment in another country must respect all applicable international human rights and labor standards and adhere to national laws, regulations, and collective agreements of the origin, transit, and destination countries.

Personnel must be made aware of their rights and responsibilities at the time of hire, including the terms and conditions of their employment contract, the provisions of this Code, and all applicable laws and regulations of their home country, the country where the work is performed, and of any country and jurisdiction contracting the work.

Personnel must be trained upon arrival in the receiving country on the company's workplace rules and procedures, the grievance process, the housing arrangements (if provided or arranged by the company), and the conditions of work, including any health and safety hazards and the precautions needed to ensure personal safety. Considered good practice and required under the U.S. Federal Acquisition Regulation, personnel shall also be informed that the company prohibits the procurement of commercial sex.

FREEDOM OF ASSOCIATION

Workers shall not face retaliation for exercising their right to freely associate or bargain collectively and employers shall have a policy of neutrality towards these efforts. Employers may not ask about union affiliation during the recruitment process.

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Personnel shall not undertake or participate in any action on behalf of the customer, such as enforcing/carrying out a lockout or strikebreaking, that could violate the rights of individuals to freedom of association and collective bargaining.

PERSONNEL TRAINING

Personnel must be made aware of their rights and responsibilities both verbally and in writing at the time of hire, including the terms and conditions of their employment, the provisions of this Code and all applicable laws and regulations of their home country, the country where the work is performed, and of any country and jurisdiction contracting the work.

Training upon arrival in the receiving country is provided about the company's workplace rules and procedures, the nature of human trafficking, how to use the grievance mechanism to report concerns and violations, the housing arrangements (if provided or arranged by the company), and the conditions of work, including any health and safety hazards and the precautions needed to ensure personal safety.

All private security personnel receive initial and refresher training on their professional responsibilities and on conducting themselves in accordance with all applicable laws, regulations, and international standards pertaining to respect for human rights.

HOUSING

When housing is provided or arranged by an employer or recruiter, housing must meet the minimum housing standards set by local competent authorities. If no minimum housing standards are specified in a particular country or region within the country, housing provided or arranged by the employer or recruiter must meet the standards specified in the International Labour Organizations *Workers' Housing Recommendation, 1961 (No. 115)*.

Costs for employer or recruiter provided or arranged housing must be comparable with local market rates.