



RESPONSIBLE SOURCING TOOL

Base Tool 3: Sample Benchmarks of Good Practice in Recruitment

PROTECTIONS AGAINST TRAFFICKING IN PERSONS¹

Benchmarks of Good Practice in Recruitment and Employment

Benchmarks of good practice are the detailed performance standards for a company's Code of Conduct. They further clarify requirements for business partners and can be used to monitor the labor and human rights performance of suppliers, subcontractors, and labor agents. The set of sample benchmarks below is consistent with the sample Code of Conduct provisions listed in Tool 2; however, they are not intended to ensure compliance with specific legal requirements, such as Federal Acquisition Regulation (FAR): Ending Trafficking in Persons.²

The guidance in this document and the other compliance tools, has been designed to align with both international and voluntary standards that apply across all industry sectors, such as those created by the International Labour Organization (ILO), which is the UN agency that sets internationally recognized labor standards, the UN Guiding Principles on Business and Human Rights, and the OECD Due Diligence Guidelines for Responsible Business Conduct.³ For more information on international frameworks and voluntary certification standards relevant to human trafficking in all sectors, see Tool 4.

Companies should work with their suppliers and subcontractors to cascade and enforce their Code of Conduct and performance benchmarks throughout each all tiers of their supply chain. This is particularly important because human trafficking risk, as well as risk of other

¹ The United States recognizes two primary forms of trafficking in persons: forced labor and sex trafficking. For the purposes of this and other tools in the set, several terms are used such as "trafficking in persons," "human trafficking," and "forced labor." In relation to these tools, they refer to a crime whereby traffickers exploit and profit at the expense of adults or children by compelling them to perform labor.

² For guidance on complying with the Federal Acquisition Regulation (FAR): Combating Trafficking in Persons, please review Tool 12, RST's Sample Compliance Plan Template.

³ Guiding Principles for Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework | UN Global Compact and Due Diligence - Organisation for Economic Co-operation and Development (oecd.org)

labor abuses, increases in lower tiers of the supply chain. For guidance on mapping complex supply chains, see Tool 6.

HUMAN TRAFFICKING

- Company policies and practices express a clear prohibition of forced, compulsory, bonded, or indentured labor that apply to all entities and all tiers in its supply chain, including those involved in the recruitment, selection, and hiring of workers. Company policies and practices also express a clear prohibition of sex trafficking and the procurement of commercial sex.
- Clear and transparent practices are in place to minimize the risk of forced labor and human trafficking that include:
 - Appropriate due diligence is performed of all recruitment and staffing agents used to select, recruit and/or transport migrant workers
 - Workers are not charged recruitment or placement fees or expenses during the recruitment process or during employment
 - Workers enter employment freely and employment terms and conditions are agreed to voluntarily, without deception, coercion, or threat of penalty.
 - All workers are provided written employment contracts in their native language (or a language they understand) before beginning work
 - Official worker identification documents, passports, travel papers or other personal documents are not held or confiscated by their employers or any other third parties
 - Overtime work is strictly voluntary
 - Workers are free to terminate their employment without penalty upon giving reasonable notice (not to exceed 30 days) except in the case of severe labor or human rights abuse
- The company and its suppliers, subcontractors, or agents acting on its behalf, comply with all relevant local laws and regulations concerning the prohibition of forced labor and human trafficking in each jurisdiction in which they operate.

CHILD LABOR

- Company policy prohibits child labor in its own operations and all entities in its supply chains, including those involved in the recruitment, selection, and hiring of workers.
- In compliance with ILO Convention 138, no one under the age of 15 (or under the age for completion of compulsory education, whichever is higher) is employed.
- Workers' ages are verified through checking standard age verification documents, when available, or through alternate documents such as local school records or attestations from community leaders.
- No person under 18 is employed to work under hazardous conditions, to work at night, or to work overtime.
- Procedures are in place to remediate the discovery of child labor, including:
 - Removal of the child from the workplace to their home or other safe location;
 - Support for child workers to complete their education; and
 - Continuing to pay their wages until they reach legal working age or hire an adult family member in their place.

Child Labor and Forced Labor Risk

Child labor is not synonymous with forced labor, but the factors for both may be similar, including the demand for cheap, exploitable, unskilled labor, poverty, unequal access to education, and exclusionary social attitudes based on caste, gender, immigration status, or ethnicity. Child labor and the worst forms of child labor are widespread in informal economic sectors, including agriculture, artisanal mining, and the facilities services and construction sectors.

The risk of child labor is closely tied to poverty and the economic wellbeing of parents. In some countries, children working in services may be unpaid family members working on farms or in small family-owned businesses. Or, children may work alongside their parents or independently in paid positions on commercial farms and plantations, or for housekeeping and janitorial firms. Wages for adults should be sufficient so their children do not have to work.

HEALTH, SAFETY, AND WELLBEING

- Employers provide workers with safe and hygienic working and living environments in accordance with prevailing industry standards, paying special attention to prevention of accidents and incidences, management of identified hazards, fire safety, emergency procedures, worker training, first aid and access to medical services, personal protective equipment, equipment and electrical safety, noise, lighting and ventilation, chemical usage in agricultural contexts, sanitation, access to clean drinking water and food preparation hygiene.
- Employers conduct workplace health and safety risk analysis to identify hazards and corresponding controls. Two examples of such an analysis are the process of Job Safety Analysis (JSA) for a processing or manufacturing workplace⁴ and the Ireland Health and Safety Authority's *Farm Safety Code of Practice* for a small-scale farm.⁵
- The employer provides workers with information about and instruction on the health and safety hazards of the operation, their jobs, and any precautions needed to prevent injury and illness in a language each worker understands.
- The employer provides workers with appropriate and fully functional personal protective equipment, at no cost to the worker, as well as instruction on how to properly wear, use, store and care for it.
- All activities, machinery, equipment, chemicals, tools, and processes used are safe and comply with applicable safety and health standards.
- Workers are consulted on health and safety matters, participate in the review of health and safety measures, and where law allows, select representatives for health and safety committees.
- Chemicals used, and the handling of chemicals, comply with applicable health and safety standards. Workers who prepare, handle, and/or use chemicals are provided adequate information about them.
- Health and safety measures apply to temporary, part-time and day workers in the same manner that they apply to permanent workers.
- The reproductive health of female workers is considered relating to pregnancy and breastfeeding. Hazards that can adversely affect the health of pregnant or nursing

⁴ *Job Safety Analysis*, Canadian Centre for Occupational Health and Safety (CCOHS): [CCOHS: Job Safety Analysis](#))

⁵ (*Farm Safety Code of Practice: Risk Assessment Document*, Ireland Health and Safety Authority, 2017: [Agriculture - Health and Safety Authority \(hsa.ie\)](#))

women are either controlled to safe levels or affected women are provided with alternative jobs for the duration of their pregnancy or while nursing, for the same wages.

- Workers have free access to clean, potable drinking water at all times within a reasonable distance from where they are working. In hot climates, or when there is a high heat index, workers have access to more frequent rest breaks and shaded areas to rest if working outdoors.
- There are no unreasonable restrictions on worker access to sanitation facilities.
- Assembly, processing and/or harvesting lines move at a reasonable speed that do not require the worker to work at an unsafe pace.

RECRUITMENT FEES AND TRANSPORTATION EXPENSES

- The company has a written policy declaring that workers will not pay any amount to secure a job with the company or with a supplier or subcontractor.
- The job advertisements from the company and its subcontractors and suppliers include the statement that no fees will be charged at any phase in the recruitment and hiring process.
- The employer covers all recruitment and processing fees, costs, and expenses, including those associated with securing identity cards, medical certificates and examinations, skills testing, and travel from the worker's home to the receiving country.
- The employer fully covers the cost of return transportation for workers to their country of origin upon completion of their employment contract.
- The company has mechanisms to continuously monitor and ensure that workers are not charged any amount to secure a job.
- The company only engages recruiters, agents, and sub-agents who do not charge fees to jobseekers.
- The company, or agents acting on its behalf, has a means of informing jobseekers at the point of recruitment that workers do not pay fees or costs for any services directly related to obtaining employment.
- The company or destination country recruiter has a verification process to ensure that workers are not charged any fees.

- Workers found to have been charged fees are promptly repaid.
- Contracts with recruiters found to have charged fees are suspended until it can be verified that they have changed their practices to prohibit recruitment fees and have reimbursed workers.

Fees and Forced Labor Risk

Fees are often charged to workers at a variety of points in the recruitment, hiring, and employment process, and frequently charged in the form of cash or loans with regular deductions from wages. The different types of fees charged to workers by third parties, such as labor brokers, are listed below:

- Fees covering passport/identity documentation or visas (as well as any secondary costs associated with procuring documentation such as for security clearance, birth certificates, or document replacement).
- Transportation and lodging costs between the workers' home and the worksite.
- Costs of orientation and/or training either pre-departure or at the worksite.
- Costs of medical examinations and testing.
- Costs associated with paying workers' salary, such as bank fees.
- Fees for mandatory daily transportation to a worksite provided by the employer or an intermediary.
- Costs of work-related equipment, tools, PPE, and apparel.

The Federal Acquisition Regulations prohibits all recruitment fees. For a comprehensive list of types of fees that workers may encounter, see:

<http://responsiblerecruitmenttoolkit.org/wp-content/uploads/Eliminating-Recruitment-and-Employment-Fees-Charged-to-Workers-in-Supply-Chains.pdf>

CONTRACTS OF EMPLOYMENT

- All job candidates are clearly informed of the terms and conditions of employment, and successful candidates are provided a copy of the signed contract.
- Migrant workers are given a copy of the contract for their review at least five days prior to deployment to provide ample time for them to decide whether to accept the job offer.
- All workers are provided a signed copy of their original contract in their native language or a language they understand.

- The company explains the terms and conditions of the contract in the workers' native language or a language the workers understand and has means to verify that the terms are clearly understood and fully agreed to by the workers.
- Employment contracts clearly specify the rights and responsibilities of workers regarding wages, benefits, hours of work, including regular hours and overtime requirements, days off and annual leave, location of the work, living conditions, housing arrangements, work related hazards, and disciplinary and other procedures that can lead to termination, as well as appeal procedures consistent with applicable law.
- The details of working conditions described at the point of recruitment are consistent with those contained in the employment contract at the time of hiring, and with actual job conditions and responsibilities.
- Company policy prohibits the substitution of original contract provisions with those that are less favorable to the worker. Any amendments made to improve conditions are made with the knowledge and the informed, written consent of the worker. Workers are provided with a signed copy of any amended contract.
- Changes to working conditions are made with the knowledge and consent of the worker. Consent is obtained voluntarily and without the threat of penalty. No changes are made that in any way diminish the worker's originally anticipated wages, benefits, or other conditions of work; or place the worker in a position of physical or mental risk or peril, or other form of disadvantage or vulnerability.
- Employment contracts clearly stipulate the rights and responsibilities of each party regarding the termination of employment.
- Employment contracts clearly specify the circumstances in which a worker can terminate his or her contract without penalty, given reasonable notice, and in accordance with applicable law. The required notice period for workers to terminate their contracts early will not exceed one month or the time period specified by law, whichever is shortest.
- The notice requirement will not apply in situations where the worker has suffered harassment or abuse or is a victim of trafficking in persons. In such cases the employer will also be responsible for paying the cost of return transportation for the affected worker.

DOCUMENT RETENTION

- Applicants' or workers' identity or immigration documents, including passports, residency, work permits, or other personal documents, such as bank books or automatic teller machine (ATM) cards, are not destroyed, concealed, confiscated, or otherwise denied access by the workers, for any reason.
- In the event that personal documents are held by the employer or subcontractor due to legal requirements, these are immediately returned to the worker upon demand and without any preconditions. In such circumstances, the employer or subcontractor:
 - develops written policies and procedures to prevent abuse;
 - provides workers with an exact copy of personal documentation when not in their possession;
 - assigns a responsible person to ensure workers have unhindered access to their documents upon demand; and
 - notifies workers of these procedures.
- Lengthy or otherwise burdensome prerequisites for accessing one's passport or other personal documents, such as written requests, monetary deposits, or waiting periods, are prohibited.
- Workers are provided, at no cost to them, with individual locked, secure storage space for personal documents and valuables at both their employer-provided accommodation and the workplace.
- If the conditions of worker housing do not feasibly permit each employee to have their own secure place to store or safeguard documents against damage or loss due to fire or theft, the employer may keep passports and documents in a communal safe to which a single security guard or responsible individual has access. This service is clearly explained in workers' contracts and agreed upon by workers in advance of employment, and documents are returned to the workers immediately upon request.

BONDS, DEPOSITS, AND FORCED SAVINGS

- Workers are not required to post a bond at the time of recruitment or at any other time during the employment relationship. Where country law requires the posting

of a security or surety bond, the employer will be solely responsible for paying or arranging for the bond.

- The company prohibits the collection of monetary deposits, levies, or security payments. Deposits are a threat of penalty used to ensure workers do not terminate their employment early, with the promise of returning the deposit to the workers only when they have completed the full term of their contracts.
- The company, or supplier or subcontractor acting on its behalf, can withhold a portion of workers' pay only where it is legally required. Like deposits, withholding a portion of workers' wages each pay period is a prohibited practice that is used to prevent workers from terminating their contracts early.
- In those cases where workers have opted to participate in voluntary savings schemes facilitated by their employer, workers must have unhindered access to and full control over all savings and monies owed.

HARASSMENT, ABUSE, AND DISCIPLINE

- Company policies and procedures prohibit the practice of imposing wage deductions, fewer opportunities for overtime work, or reductions in benefits as a means to discipline workers.
- No form of compulsory labor is imposed on any worker, including involuntary overtime.
- The policy of the company, or subcontractor acting on its behalf, prohibits the use or threat of physical or sexual violence, harassment and intimidation, and senior management has expressed clear commitment to and support of this policy.
- Effective measures are in place to implement, monitor, and ensure company-wide compliance with its anti-harassment policy.
- The company utilizes a formal system of progressive discipline consisting of written workplace rules and fair, consistent application of discipline, progressing from verbal warnings to written warnings, suspension, and ultimately dismissal. Disciplinary actions are imposed equally to all workers.
- There is no evidence of complaints, grievances, or actions taken against the company; its managers or supervisors; or its subcontractors, suppliers, and agents with respect to violence, intimidation, or harassment in the workplace. In cases

where a complaint or grievance has been raised, evidence should show that swift and transparent action was taken to address it.

Gender-Based Violence and Sexual Harassment and Trafficking Risk

Sexual harassment is endemic in many countries and industry sectors. Female migrant workers may be situationally vulnerable due to inequalities of power between workers and employers, dependency upon an employer, and potential isolation in employer-provided housing. Such factors may increase the likelihood of sexual harassment or exploitation that may be enacted as a form of blackmail or form of exerting control and psychological pressure over an individual.

Women may face sexual harassment from their supervisors and/or colleagues as a form of threat or intimidation. Female migrant workers may be told they will receive higher wages if they perform sexual favors for supervisors and may be victims of groping and vulgar and obscene language by supervisors, employers, and others in positions of power.

WORKPLACE EQUALITY

- Employers and their suppliers and subcontractors have policies and procedures in place to ensure that all workers, regardless of their national origin, ethnicity, race, religion, or legal status, are treated equally in the workplace.
- Migrant workers are treated no less favorably than country nationals with respect to:
 - Remuneration, hours of work, overtime arrangements, and holidays with pay;
 - Access to training;
 - Eligibility for promotion and wage increases;
 - Membership in labor unions or other worker organizations;
 - Accommodation; and
 - Benefits and social insurance, including social security, maternity and sick leave, disability and employment injury insurance.

- The company, or suppliers, subcontractors and agents acting on its behalf, explicitly prohibits the abuse of vulnerability of migrant workers, including the threat of denunciation to authorities as a means of coercion.

WAGES AND BENEFITS

- The freedom of workers to dispose of their wages as they choose is not limited in any way by their employer or its suppliers and subcontractors.
- Wages specified in employment contracts meet at least the legal minimum wage. In the absence of a legal minimum wage, wages are at least the industry prevailing wage for similar work in the immediate area in the country of employment, and wage calculations are equitable and objective.
- Wage payments are not deferred, delayed, or withheld as a means of binding workers to employment.
- Non-cash or “in-kind” payments in lieu of wages are not used.
- Wage rates, hours worked, and the calculation and payment of wages, including legal wage deductions, are clearly explained to and understood by all workers. Workers are provided with pay slips each pay period that enable workers to verify that their pay has been calculated correctly.
- No unlawful or unauthorized deductions are made from workers’ wages. Any deductions from wages are clearly described in the employment contract and undertaken with written worker consent.
- Wage deductions levied for tardiness or absence are not excessive and do not exceed the actual work time missed; for example, 10 minutes of pay for 10 minutes tardiness or one day’s wages for one day unexcused absence.
- Wage advances or loans provided to workers, along with related interest rates, comply with the law, at a minimum. Additionally:
 - Interest rates are fair and do not exceed local prevailing market bank rates;
 - A worker’s total outstanding loan balance does not exceed 50% of one-month base wages and monthly payments do not exceed 10% of a worker’s monthly wage, such that loans can be repaid in a reasonable amount of time not exceeding six months; and

- The terms of wage advances and loans and the calculation of interest rates and wage deductions made for their repayment are explained to workers verbally, provided in writing, and mutually agreed in advance.
- Jobseekers, applicants, or workers are not required to participate in any form of forced or mandatory savings in order to recoup costs associated with recruitment, or for any other reason.
- If migrant workers are required by law to pay for room and board, such charges:
 - Do not exceed market rates or the rate paid by local workers for similar accommodation;
 - Do not aid companies or subcontractors in earning a profit at workers' expense; and
 - Are not part of efforts to reclaim placement fees or other fees paid by employers for worker recruitment.
- When wages are based on piecework, the piece rate is objectively determined, the method of calculating the rate is clearly communicated to the worker, and the worker has agreed that the rate is fair.

WORKING HOURS

- Workers are not forced to work more than the number of hours allowed by applicable law, or, where the law is silent, working hours do not exceed eight per day and 48 per week, and total working hours including overtime does not exceed 60 hours in a week.
- Effective workplace and company-wide measures are adopted to ensure full implementation and compliance with this policy, including continuous monitoring of hours work to identify workers at risk of exceeding the limit, coordination of production, manpower planning, etc.
- All overtime work is purely voluntary, unless specifically stated otherwise in a legally recognized collective bargaining agreement.
- Workers track their own working hours using an electronic or other objective, verifiable timekeeping system.
- Workers are free to refuse overtime work without fear of threat, punishment, or reprisal.

- For those that agree to work overtime, a system is in place to obtain their written consent at the time of the request.
- In cases where remuneration is based on productivity targets, for example piece rate, workers are not forced to work more overtime hours than allowed by applicable law in order to achieve their production quota.

Overtime and Quotas

In some cases, overtime may be unavoidable for workers in services, construction and other sectors. Workers should be properly compensated for the hours they work, and the wage or piecework rate for “overtime” work should be agreed upon in advance of employment.

However, if workers’ compensation is based on meeting quotas and those quotas are unrealistic, workers may be compelled to work overtime, sometimes in excess of legal working hours, in order to meet those quotas. Also, workers who receive a bonus if they exceed their quota may be motivated to work beyond the legal maximum number of weekly working hours.

FREEDOM OF MOVEMENT AND PERSONAL FREEDOM

- Workers enjoy reasonable freedom of movement within their work and living environments. Any legitimate constraints on such movement (for example, for valid personal safety or security concerns) are specified prior to the signing of the employment contract.
- Workers have unrestricted access to basic liberties (drinking water, toilets) during both work and non-work hours in the workplace and in employer or labor agent-provided or arranged housing.
- Workers have the right to remove themselves from workplace activities in which they believe there is an imminent and serious risk to health and safety, and there can be no retaliation for any such action.
- The presence of security personnel or other security measures in the workplace, or in employer- or recruiter-operated housing, are not used as a means to restrict workers’ freedom of movement.

- No other coercive means are used to restrict migrant workers' freedom of movement or personal freedom, including confiscation of personal documents, levying of financial penalties or security deposits, or use of deception in wage payment and deductions.
- Workers are not required to live in employer- or recruiter-operated residences as a condition of employment, unless required by applicable law.
- Migrant workers are free to return to their home country during paid leave, without any penalty or threat of termination.

GRIEVANCE MECHANISMS

- Suppliers and recruiters operate a functioning and effective grievance mechanism that is accessible to workers in their native language or a language they understand, and that complies with Principle 31 (Grievance Mechanisms) of the UN Guiding Principles on business and Human Rights.
- Effective measures are in place to ensure that migrant workers know how to use the grievance mechanism and feel safe and free from potential retaliation if they do so.
- Where grievances are raised, effective and appropriate procedures are in place to ensure a rapid and mutually agreed settlement.
- Resolutions of workplace grievances are regularly reported back to all workers.
- Results of worker surveys and interviews confirm that workers both understand the means available to them to report grievances and that they trust the process to fairly address their issues.
- Staff involved in managing worker grievance mechanisms and managing worker participation mechanisms are properly trained and have clearly defined and documented responsibilities.
- An effective appeal process is in place to impartially evaluate and settle any disputed grievance resolution.

Worker Communication and Grievance Mechanisms

All workers, especially workers with higher levels of vulnerability such as migrant workers and workers in informal sectors, should be able to communicate grievances and seek resolution. Strong grievance mechanisms promote understanding and active participation and allow potential problems to be identified and resolved. Grievance mechanisms can take different forms, but any mechanism should fit benchmarks for robust grievance systems as defined by the UN Guiding Principles on Business and Human Rights; Principle 31. Under these principles, ethical grievance mechanisms should be:

- Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- Accessible: communicated to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;
- Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of processes, outcomes available, and means of monitoring implementation;
- Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice, and expertise necessary to engage in a grievance process on fair, informed, and respectful terms;
- Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights; and
- A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Effective grievance mechanisms should have established, easy to understand procedures; ensure confidentiality; allow workers to confidentially report grievances against bosses or supervisors without fear of retaliation or reprisal of any kind; and include a system that provides workers with access to additional social support if needed.

For additional guidance on creating grievance mechanisms, see Tool 11.

PRIVATE EMPLOYMENT AGENCIES AND LABOR RECRUITERS

- The company and its suppliers and subcontractors hire workers directly whenever possible.
- When the recruitment, selection, and hiring of workers is undertaken by a private employment agency or other third-party, suppliers have the responsibility to perform effective due diligence to ensure that the agencies operate legally, are certified or licensed by the competent authority, use only employees trained on applicable Code and legal requirements, and do not engage in fraudulent behavior that places workers at risk of forced labor or trafficking for labor exploitation.
- Where informal labor brokers predominate in a sector or country, the company will have a plan for moving towards direct hiring or the use of formal brokers who are held accountable for company policies.
- The company signs a formal contract with the contracted agency and performs regular due diligence on the agency and its partners involved in the hiring and placement of workers.
- Effective measures are established by the company to ensure the legal compliance of labor agents in each jurisdiction in which they operate.
- The contracted agency has an up-to-date license or permit to operate in all countries of operation, and any partners or agents working on its behalf also have up-to-date permits or licenses.
- The contracted agency has not been cited, suspended, or otherwise sanctioned for non-compliance with any laws in any country of operation; or, where a citation for non-compliance exists, the agency can demonstrate that it has rectified the non-compliance.
- The company monitors the performance of agents and recruiters to ensure that no deception, fraud and/or coercion in the recruitment, placement, transport or management of migrant workers take place.
- The company, or labor agents acting on its behalf, provides jobseekers with accurate details of working conditions at the time of recruitment, including the nature of work, wages, benefits and duration of contract.

- Details of working and employment conditions are communicated to jobseekers in a language they understand.
- False promises are not made to applicants or workers regarding employment conditions, job locations, employment or contract duration, or anticipated earnings.
- The contracted agency has an organizational structure, accountable officer, and clear procedures to ensure that all policies are compliant with all relevant legislation and regulations. This includes a current registry of laws for all countries of operation; and a mechanism that ensures the company is regularly informed of new or changed legislation and regulations.

Formal and Informal Labor Recruiters and Trafficking Risk

Labor recruiters are widely used in the services and construction sectors to supply workers for bases and camps, particularly when there is an urgent need for workers for a finite period. These intermediaries may be referred to as recruiters, brokers, contractors, crew leaders, or gangmasters depending on the country and regional context.

Because the presence of informal recruiters is a direct impediment to monitoring and remediating conditions, formalization of labor supply chains is an important step whenever possible. Where broker registration systems are weak, non-existent, or informal intermediaries predominate, companies can move progressively towards direct hiring or contracting with brokers whose performance has been determined to be responsible through on-going monitoring.

Although informal brokers are more difficult to monitor and are unlikely to have accountability systems in place, they can still be held accountable to basic standards of ethical practice. For example, informal brokers may not be able to produce copies of legal registration, but they can still commit to not charging workers fees and to adequately and accurately explaining terms and conditions of jobs to workers.

If formal screening processes of recruiters are not possible, the entity contracting with the labor recruiter can interview workers about their recruitment experiences. For guidance on interviewing migrant workers on their experience with labor recruiters, see Tool 10.

Emerging labor recruiter certification systems and standards can support due diligence regarding screening and selecting recruiters. For more information, see Tools 7 and 9.

- The contracted agency has a code of conduct that prohibits forced labor and human trafficking and sets out protective measures for workers. The code covers principles elaborated in relevant ILO Conventions, as well as standards for responsible

recruitment such as the Code of Conduct of the International Confederation of Private Employment Agencies (CIETT), the International Recruitment Integrity System (IRIS), and the ILO's General Principles and Operational Guidelines for Fair Recruitment, and applies to all parties in the chain of recruitment. The code is supported by an institutional structure that ensures its effective implementation.

- The contracted agency has established a mechanism for confidential reporting of noncompliance, a grievance mechanism, procedures of investigation and reporting on grievances, and protection for whistleblowers.
- The contracted agency has established effective remediation procedures in case of verified reports of noncompliance, including mechanisms to ensure the reimbursement of workers for any recruitment fees charged.
- The company, or labor agents acting on its behalf, does not use any means to restrict workers' freedom to terminate employment, for example by levying excessive recruitment fees, requiring deposits, or withholding personal documentation.
- Contracts with the contracted agency specify occupational health and safety (OSH) requirements and penalties for noncompliance. Contracts include right to terminate those who fail to meet OSH requirements and the right of workers to stop work whenever a risk of serious injury is apparent.

WORKER TRAINING AND AWARENESS

- All written information and training are provided in the workers' native language or a language the workers understand.
- Workers are made aware of their rights and responsibilities, both verbally and in writing, at the time of hire. This includes the provisions of the company code of conduct, 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.
- Pre-departure orientation is provided for migrant workers to review contractual obligations, terms and conditions of work and other matters including but not limited to living conditions, company policies, and the grievance mechanisms available for workers.

- Workers are 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.
- The company evaluates the effectiveness of its training and awareness efforts by measuring employee knowledge upon completion of training and periodically thereafter using surveys, interviews, and other means.

FREEDOM OF ASSOCIATION

- In accordance with national law, workers have the right to peacefully assemble, organize and bargain collectively. When national law prohibits freedom of association and collective bargaining, workers can access independent forms of representation and negotiation.
- Employers and labor recruiters maintain a policy of neutrality towards trade unions and other representative worker organizations
- Workers are not discriminated against, penalized, blacklisted, or fired for membership in any worker organization or for organizing trade unions and other worker representative organizations
- Workers are not compelled by the employer or recruiter to join any worker organization.
- Workers who exercise their rights to freedom of association do not experience any form of physical or psychological violence, threats, intimidation, retaliation, harassment, or abuse.
- Employers do not attempt to influence or control the formation of unions by incentives, misinformation, intimidation, or other means.
- Employers and labor recruiters do not hire or recruit workers for the purpose of replacing workers who exercise their right to strike.

HOUSING

- When housing is provided or arranged by an employer, housing meets the minimum housing standards set by local competent authorities; this applies to all types of workers, including seasonal and migrant workers.
- Housing must meet local building and fire standards, or the standards specified in the ILO Workers' Housing Recommendation, 1961 (No. 115), whichever is most stringent.
- When family housing is provided, housing meets a minimum standard regarding space per person and per family.
- All housing standards, whether for collective housing or family housing, include the following considerations and meet the following standards (excerpted from ILO Recommendation 115⁶):
 - a separate bed for each worker;
 - adequate headroom, providing full and free movement, of not less than 203 centimeters;
 - the minimum inside dimensions of a bed should be at least 198 centimeters by 80 centimeters;
 - beds should not be arranged in tiers of more than two;
 - bedding materials should be reasonably comfortable;
 - bedding and bedframe materials should be designed to deter vermin;
 - separate accommodation of the sexes;
 - adequate natural light during the daytime and adequate artificial light;
 - a reading lamp for each bed;
 - adequate ventilation to ensure sufficient movement of air in all conditions of weather and climate;
 - heating where appropriate;

⁶ *R115-Workers' Housing Recommendation, 1961 (No. 115)*, International Labor Organization: [Recommendation R115 - Workers' Housing Recommendation, 1961 \(No. 115\) \(ilo.org\)](https://www.ilo.org/public/libdoc/iloorg/1961/115.pdf)

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Sample Benchmarks of Good Practice in Recruitment and Employment

- adequate supply of safe potable water;
 - adequate sanitary facilities (see below);
 - adequate drainage;
 - adequate furniture for each worker to secure his or her belongings, such as a ventilated clothes locker which can be locked by the occupant to ensure privacy;
 - common dining rooms, canteens or mess rooms, located away from the sleeping areas;
 - appropriately situated and furnished laundry facilities;
 - reasonable access to telephone or other modes of communications, with any charges for the use of these services being reasonable in amount; and
 - rest and recreation rooms and health facilities, where not otherwise available in the community.
- Where workers are charged by the employer for their housing, the employer can demonstrate that the amount paid by workers does not exceed the market rate for equivalent accommodation and does not create a profit for the employer.
 - Transportation is provided at no cost to workers to and from worksites and to and from required services. Use of employer-provided transportation for other purposes is optional and costs are in line with market rates.
 - There is no exposure to workers in their accommodation from the employer's use or discharge of hazardous or toxic substances.