



RESPONSIBLE SOURCING TOOL

Seafood Tool 7: Criteria for Screening and Evaluating Recruitment Agents

PROTECTIONS AGAINST TRAFFICKING IN PERSONS: Criteria for Screening and Evaluating Recruitment Agents

The risks of human trafficking, including forced labor¹, can be mitigated by properly designed and implemented processes for recruitment, selection, and hiring of workers. Those risks are greater and more difficult to control when recruitment, selection, and hiring are outsourced to third-party labor recruitment agents.² Therefore, companies and their suppliers should, whenever possible, recruit, hire, and employ workers directly.

When direct recruitment is not possible, companies must exercise careful due diligence in the screening and selection of recruitment agents to minimize the risk of forced labor as a result of fraudulent or misleading recruitment practices. In some sectors, recruitment agents are paid by the number of workers they supply and the length of time that a worker remains at the employer, potentially incentivizing coercive recruitment.

NOTE: This sample tool recommends a generic approach to due diligence but is not intended to ensure compliance with specific legal requirements, such as the Federal Acquisition Regulation (FAR): Combating Trafficking in Persons.³

The goal of due diligence in screening recruitment agents is acquiring enough information to have reasonable confidence that the agents selected will comply with all applicable legal requirements and standards for ethical recruitment. When evaluating a potential recruitment agent, this process will entail looking for the presence or absence of policies and procedures that relate to issues of fair recruitment.

¹ **Note: 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 **The combination of services provided by third parties to find, place, and/or directly contract labor to work in company owned or supplier operations are varied, as are the terms used by different industry sectors and standards organizations to describe the providers. These include: labor agents, recruiters, recruitment agents, sub-agents, labor providers, private employment agencies (PEAs), staffing agents, manpower agents, brokers, contractors, crew leaders, and gangmasters. For the purposes of these tools, “labor agent” is generally used as the umbrella term, with “recruitment agent” used as a subset.**

³ For guidance on complying with the Federal Acquisition Regulation (FAR): Combating Trafficking in Persons, please review Tool 12, RST's Sample Compliance Plan Guidance.

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Many brokers in the seafood supply chain are highly informal. Verité research has found that informal labor brokers and employers in particular are associated with abuses of workers on vessels. Although informal brokers will be more difficult to monitor and cannot be expected to have mature management systems in place, they may nevertheless be held to basic standards of ethical practices. For example, while informal brokers will not be able to produce copies of their legal registration, they can commit to not charging worker fees and to accurately explaining terms and conditions of work to job seekers.

Similarly, while informal brokers may not be able to guarantee ethical behavior by brokers in sending countries, they can commit to asking simple questions of prospective workers to determine and help alleviate potential debt burdens. Finally, in supply chain segments where broker registration systems are weak or non-existent and informal brokers predominate, companies can move progressively towards direct hiring and/or contracting with brokers whose performance, through monitoring, has been determined to be ethical and legal.

It should also be noted that migrant workers who are recruited via informal brokers may lack the requisite documentation to access protections granted to migrant workers in the destination countries – thereby leaving the workers further exposed to forced labor and other abuses.

Assessing the recruiter's ongoing performance will occur later, as part of the management and monitoring process.

The Evaluation Criteria

Verité recommends defining a set of performance requirements that complement the company's *Supplier Code of Conduct* (human rights expectations), *legal requirements* (licensing requirements, applicable laws and regulations, government procurement requirements, etc.) and *technical requirements* (ability to source suitable workers within a defined timeframe and budget). This will help the company to better understand the recruitment agent's policies and approaches to preventing forced labor.

Each company will need to develop its own specific screening criteria. To do so, a company should undertake a careful review of:

- The legal requirements in the origin country, transit countries (if any), and country of operation and any other applicable legal requirements (see Tool 4).
- The Company Supplier Code of Conduct or other supplier requirements, and those of its clients.

- Ethical recruitment standards and certification schemes, such as:⁴
 - [International Organization for Migration’s International Recruitment Integrity System \(IRIS\)](#);
 - The [Dhaka Principles for Migration with Dignity](#);
 - [On The Level’s Core Principles and Standards of Ethical Recruitment](#); and
 - [Clearview Global Labor Provider Certification Scheme](#).

Once the screening criteria have been defined, each criterion should be paired with indicator(s) that serve to measure whether it is being met. For example, see the tables below:

Table 1: Sample Evaluation Criteria and Indicators

Sample Criteria	Sample Indicators
Compliance with legal requirements	<ul style="list-style-type: none"> • The recruitment agent is registered and licensed in all countries of operation. • The recruitment agent has no record of legal sanctions in the past three years, or violations have been corrected or are on-track for correction. • The recruitment agent participates in a fair recruitment certification program. • The recruitment agent regularly evaluates its compliance with legal requirements.

⁴ These standards have also been consulted in creation of these tools.

<p>Compliance with international labor standards⁵</p>	<ul style="list-style-type: none"> • The recruitment agent formally expresses a commitment to uphold the company’s human rights standards and/or Supplier Code of Conduct. • The recruiter has formal policy statements committing it to compliance with international standards on labor and human rights. • The recruitment agent has a process to ensure ongoing knowledge of applicable international standards on labor and human rights.
<p>Compliance with company and legal standards and on recruitment</p>	<ul style="list-style-type: none"> • The recruitment agent has a policy that prohibits the use of misleading or fraudulent recruitment practices, including: <ul style="list-style-type: none"> ✓ failing to disclose basic information about the terms and conditions of employment, or ✓ making material misrepresentations about the key terms of employment and living conditions, including wages, benefits, hours of work, location of the work, living conditions, employer provided or arranged housing and associated costs, any significant cost to be charged to the worker, and, if applicable, the hazardous nature of the work. • The recruitment agent has a policy stating that no worker will be charged recruitment fees. • The recruiter has processes in place to inform workers of their right not to be charged recruitment fees. • The recruitment agent has a policy stating that all workers shall retain access to their identity documents.

⁵ International labor standards include The Universal Declaration of Human Rights, ILO Declaration on Fundamental Principles and Rights at Work, and other ILO Conventions.

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	<ul style="list-style-type: none"> • The recruiter has a procedure for verifying that workers are not charged fees by its recruitment business partners (for example, origin country agents and sub-agents)
<p>Compliance with company and legal standards on <i>employment contracts</i></p>	<ul style="list-style-type: none"> • The recruitment agent has a policy to ensure that workers’ contracts meet all legal and company requirements. • Worker contracts include accurate and verifiable information on worker position, location of job, length of contract, housing, name of the employer, wages, working hours, any legal wage deductions, and all applicable benefits. • Worker contracts detail which party (recruitment agent or employer) is responsible for various aspects of the employment relationship (in accordance with applicable law). • Recruitment agent maintains records demonstrating that workers receive accurate copies of contracts in a language they understand prior to departure. • Recruitment agent has processes in place to validate that terms of employment do not differ from those offered to worker.
<p>Compliance with company and legal standards on <i>grievance mechanisms</i></p>	<ul style="list-style-type: none"> • Recruitment agent ensures confidential grievance mechanisms are available to job seekers and workers. • Recruitment agent demonstrates that workers are provided with information on their legal rights and on the procedures for accessing grievance mechanism/s available via government or employer. • Recruitment agent has a policy of non-retaliation for worker participation in grievance mechanisms.

Conducting a Screening Interview

When interviewing prospective recruitment agents, the agents should be asked to describe how they are able to meet the company’s selection criteria. In addition to assessing objective criteria, such as whether policies and processes are documented, the company may wish to evaluate the degree to which the potential recruitment agents are open to engagement around issues of fair recruitment. The table below provides some examples of questions that could be asked.

Table 2: Sample Questions for Recruiter Screening

Sample Criteria & Indicators	Sample Screening Questions
<p>Compliance with legal requirements</p>	<ol style="list-style-type: none"> 1. Is your company registered or licensed to operate? 2. Has your company been subject to any regulatory actions where monetary penalties were assessed? 3. If formal corrective actions were mandated by the issuing government agency, can you provide documentation to show that violations have been corrected or are on track for correction? 4. How do you evaluate your compliance with legal requirements? 5. Would you agree to sign a service agreement that commits you to adhere to the legal requirements of the origin, transit and destination countries?
<p>Compliance with international labor standards</p>	<ol style="list-style-type: none"> 1. Do your recruitment, selection and hiring policies and procedures align with international standards (such as the Universal Declaration of Human Rights and ILO conventions)? 2. How often are your policies and procedures reviewed and updated? 3. How do you evaluate your alignment with international labor standards?

Sample Criteria & Indicators	Sample Screening Questions
	<p>4. Do your labor and ethics policies have executive management endorsement?</p>
<p>Compliance with company and legal standards on recruitment</p>	<ol style="list-style-type: none"> 1. Does your company have a policy that prohibits giving misleading or fraudulent information to job applicants? 2. Does your company have a policy that prohibits charging recruitment fees and expenses to job applicants? If yes, how is this policy communicated to job applicants? 3. Where in the recruitment, selection, and hiring process do you think the risk workers being charged fees is highest? 4. How do you communicate working and living conditions to prospective workers? How do you ensure that this information is accurate? 5. What operational controls have you put in place to ensure that workers are not charged fees or given false or misleading information? Following are some examples of controls: <ol style="list-style-type: none"> a. Procedures are in place to implement the no-fee statement in the Supplier Code of Conduct. b. Job applicants and workers can report violations of the no-fee policy without retaliation. The grievance procedure includes an investigation and response to reports of violations. c. A policy and implementing procedures that prevent the use of illegal or unauthorized sub-agents or subcontractors.

Sample Criteria & Indicators	Sample Screening Questions
	<ul style="list-style-type: none"> d. A procedure is in place to ensure sub-agents are paid by the agency for their services and that they sign and comply with the agency’s no-fee policy. e. If workers are being recruited from remote or interior regions, the client company has staff (on the company’s payroll) in these areas. f. Workers, upon arrival, are routinely interviewed to verify that they have not paid recruitment fees and that they understand the terms and conditions of their employment. <p>6. How is workers’ personal documentation handled during the recruitment and hiring process (for example, when work permit and visas are being processed)?</p>
<p>Compliance with company and legal standards on <i>employment contracts</i></p>	<ul style="list-style-type: none"> 1. How do you know that the terms of worker employment contracts and the process of issuing employment contracts comply with origin and destination country legal requirements? 2. How do you ensure that employment contract terms and conditions comply with: <ul style="list-style-type: none"> a. your client company’s recruitment standards? b. your client company’s customer (for example, U.S. Federal Acquisition Regulation: Combating Trafficking in Persons)? 3. How do you make sure that worker employment contracts are complete and accurate? 4. In what language(s) are employment contracts written?

Sample Criteria & Indicators	Sample Screening Questions
	5. How do you verify that workers understand the terms and conditions of their contracts?
Compliance with company and legal standards on <i>grievance mechanisms</i>	1. What can job applicants and workers do if they encounter a problem at any point in the recruitment and hiring process (for example, if they are asked to pay a fee)? 2. How do you tell job applicants and workers about the grievance mechanisms available to them to report recruitment issues? 3. What happens when workers use one of these mechanisms? How is the reported problem investigated and resolved? 4. How do you make sure that job applicants and workers are not retaliated against for reporting problems?

Evaluating The Results and Making a Final Decision

After labor recruitment agent candidates have been screened, their responses must be evaluated using a transparent methodology for evaluating agents against the screening criteria. The methodology should describe in detail the evaluation process, how the response to each screening question is scored and combined to provide an overall rating, and the process by which a decision will be made to engage the recruitment agent and issue a contract/service agreement.

One approach is to use a rating system that assigns each criterion a weight and performance score as shown below. This allows the company to score each recruitment agent candidate’s performance on each criterion, while also giving appropriate emphasis to the areas of compliance that are most important to the company and/or the company’s customers.

The results of such a rating process allow the performance of candidates to be cross-analyzed and compared, which will then allow companies to rank and compare candidates.

Table 3: Example Recruitment Agent Screening Scorecard

Criteria	Weight (%)	Section Score (%)	Performance Rating (weight x score)
Compliance with legal requirements	20		
Compliance with international labor standards	15		
Compliance with company and legal standards on recruitment	25		
Compliance with company and legal standards on employment contracts	25		
Compliance with company and legal standards on grievance mechanisms	15		
Total	100%		

Note: Weights shown above are for illustration purposes only. Each company should determine its own weightings based on applicable legal requirements, their policies and (where relevant) those of their clients.

Once the successful recruitment agent candidate has been selected and hired, companies can use the information from this due-diligence selection process as baseline data for managing and monitoring the performance of the agent on an ongoing basis.