



# RESPONSIBLE SOURCING TOOL

## Private Security Industry | Tool 3

### PROTECTIONS AGAINST TRAFFICKING IN PERSONS<sup>1</sup>

#### Sample Benchmarks of Good Practice in Recruitment and Employment for Private Security Supply Chains

Benchmarks based on company policy that define good practices can be used to evaluate the labor and human rights performance of the company itself and of the company's suppliers and labor agents. The set of sample benchmarks below is consistent with the sample Code of Conduct provisions listed in [Tool 2](#) and supports policy development covering labor recruiters as a key player in global supply chains. These benchmarks can also serve as a basis for establishing and monitoring key performance indicators, however they are not intended to ensure compliance with specific legal requirements, such as the U.S. Federal Acquisition Regulation (FAR): Combating Trafficking in Persons.

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 in the private security sector. The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, is the primary international instrument centered on trafficking in persons, and it is 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 and voluntary certification standards relevant to human trafficking in the private security sector, see [Tool 4](#).

Companies should work to cascade and enforce their Code of Conduct throughout each relevant tier of their supply chain — that is, to their contractors or service providers, subcontractors, and labor providers. This is particularly important because human trafficking risk, as well as

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<sup>1</sup> 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.

risk of other labor abuses, increases in lower tiers of supply chains, and when there are long chains of subcontractors involved in recruiting, hiring, and

overseeing security staff. For guidance on mapping complex security personnel labor supply chains, see [Tool 6](#).

## HUMAN TRAFFICKING, INCLUDING FORCED LABOR

There are two parts to this section. The first relates to human trafficking risks to company personnel (that is, workers hired directly by the company) and the second to human trafficking risks caused by or contributed to by the actions of company personnel in the performance of their duties for the client.

### Human Trafficking Risks to Company Personnel

- *Company policy:*
  - prohibits forced, compulsory, bonded, or indentured labor.
  - prohibits sex trafficking and the procurement of commercial sex.
  - is aligned with the requirements of international standards and guidelines:
    - UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime – 2000;
    - ILO Convention 29 – Forced Labour Convention – 1930;
    - ILO Convention 105 – Abolition of Forced Labour – 1957;
    - ILO Convention 181 – Private Employment Agencies – 1997;
    - ILO Protocol P029 - Protocol of 2014 to the Forced Labour Convention, 1930; and
    - ILO Recommendation R203 – Forced Labour (Supplementary Measures) – 2014.
  - complies with applicable country laws and regulations. Some examples of applicable country laws and regulations include:

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- Tariff Act of 1930 (19 U.S.C. §1307);
  - Trafficking Victims Protection Act of 2000, 22 U.S.C. §7102 and 18 U.S.C. § 1589 (Forced Labor);
  - California Transparency in Supply Chains Act – 2010;
  - UK Modern Slavery Act – 2015;
  - U.S. Federal Acquisition Regulation (FAR): Combating Trafficking in Persons – 48CFR 52.222-50;
  - French Corporate Duty of Vigilance Law – 2017; and
  - Australia Modern Slavery Act of 2018.
- is aligned with security industry and multi-stakeholder initiative codes of practice:
    - International Code of Conduct for Private Security Service Providers – 2010; and
    - Voluntary Principles on Security and Human Rights – 2000<sup>2</sup>.
  - applies to all contractors and subcontractors, including those involved in the recruitment, selection, and hiring of personnel.
  - includes a commitment to continual improvement in eradicating human trafficking in its operations and in its supply chain.
  - is signed/endorsed by the highest-level manager in the organization.
  - is broadly communicated to customers, the public, and other stakeholders.
  - company personnel understand the major requirements of the policy
- *Recruitment, selection, and hiring:* Transparent practices on recruitment, selection, contracts of employment, wages, and working hours are adopted by the company and its recruitment business partners to minimize the risk of human trafficking.
  - *Voluntary employment:*

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<sup>2</sup> Note that the Voluntary Principles are not specific to Trafficking in Persons but provide important guidance on related human rights issues, particularly for clients of private security contractors.

- Terms and conditions of employment are communicated in full at the time of job offer.
- Personnel accept employment terms and conditions freely, without deception or threat of penalty.
- Personnel can voluntarily terminate their employment at any time without penalty, given notice of reasonable length (not to exceed 30 days).
- Personnel who have been subjected to harassment, abuse, or trafficking in persons can voluntarily terminate their employment without penalty at any time.
- *Legal compliance:* The company, and suppliers, subcontractors, and recruitment and staffing agents acting on its behalf, comply with all applicable laws and regulations, including those concerning the prohibition of human trafficking in each jurisdiction in which they operate.

### Human Trafficking Risks Caused or Contributed to by Company Personnel

- Company policy explicitly prohibits company personnel from participating or supporting client programs and procedures that can create or exacerbate trafficking risks. For example, company personnel are prohibited from:
  - implementing curfews at client-provided worker housing designed to limit freedom of movement; and
  - withholding or confiscating passports, visas, and other personal identity documents.
- Service agreements between the company and its clients list the specific actions that its personnel are prohibited from carrying out on behalf of the client that can create or perpetuate risks of human trafficking.

### CHILD LABOR

- Company policy prohibits child labor and applies to all entities in its supply chain, including those involved in the recruitment, selection, and hiring of personnel.

- In compliance with ILO Convention 138 and the ICoCA Code of Conduct for Private Security Providers, no one under the age of 18 is employed.
- Personnel ages are verified by checking government-issued age verification documents. When government-issued age verification documents are not available and/or there is any doubt to the authenticity of documents provided, validation should be sought via alternate means, such as through local school records or attestations from community leaders.

### **Risks for Former Child Soldiers in the Private Security Sector**

According to the United Nations, there are tens of thousands of child soldiers spread over at least 20 countries. The unlawful recruitment or use of child soldiers is a form of human trafficking. Because of their experience with firearms and hostile environments, unscrupulous security firms have been known to hire former child soldiers to supplement their regular personnel.<sup>i</sup>

To prevent perpetuating the abuse suffered by child soldiers and reduce the risk of violence against individuals and communities, private security firms should prohibit the recruitment and hiring of former child soldiers — and conduct thorough background checks to ensure that they do not hire former child soldiers — unless the candidates have successfully completed a program of rehabilitation and reintegration to overcome the serious long-term psychological consequences of participation in armed conflict as a child. Within the UN system, UNICEF is charged with reintegrating former child soldiers.<sup>ii</sup>

## **RECRUITMENT FEES AND EXPENSES**

Recruitment fees and expenses are likely to be a primary driver of indebtedness and the resulting inability to leave one's job in the private security sector. Companies must adopt policies and procedures to ensure personnel do not have to pay for their jobs, and if they do, that they are promptly and fully reimbursed.

- *"No fees" policy.* The company has a written policy declaring that personnel shall not pay any amount to secure a job with the company or with a supplier or subcontractor. The employer covers all recruitment and processing fees, costs,

and expenses, including those associated with securing identity cards, medical certificates and examinations, skills testing, skills training, and travel from personnel's home to the location of employment and return travel and other repatriation costs upon completion of the employment contract.

- *Job advertisements* clearly state that no fees shall be charged at any phase in the recruitment and hiring process.
- *Information for jobseekers.* The company, or recruitment business partners acting on its behalf, has means of informing jobseekers at the point of recruitment that personnel do not pay fees or costs for any services directly related to obtaining employment.
- *Recruitment agents.* The company only engages recruiters, agents, and sub-agents who do not charge fees to jobseekers. This requires that companies perform effective due diligence of recruitment agents to ensure they are properly licensed, do not have a history of regulatory compliance violations, fully understand and agree to the "no fees" policy, and have the necessary resources and internal procedures.
- *Service agreements.* Formal service agreements are in place with all recruitment agents and other recruitment business partners that state the "no fees" policy and delineate the amount the company will pay the agent to recruit and deploy personnel to the country of work. The payment amount will include all legally-required fees and expenses, travel expenses, and the agent's service fee.
- *Monitoring.* The company has mechanisms to continuously monitor and ensure that personnel are not charged any amount to secure a job by labor recruiters, sub-agents in the country of origin, travel services companies, or any other actors in the labor supply chain.

Included in monitoring is a review of the records of recruitment agents and sub-agents to verify that they have paid the fees and expenses listed in their service agreements. Other mechanisms could include, for example, conducting interviews with newly hired personnel.

- *Reimbursement.* Personnel found to have been charged fees are promptly reimbursed, and recruiters found to have charged fees are terminated.

### **Fees, Costs, and Human Trafficking Risk**

Fees are often charged to security personnel at a variety of points in the recruitment, hiring, and employment process, and frequently charged in the form of cash or in-kind property, or deducted from wages. The different types of fees regularly charged to personnel by third parties, such as labor recruiters and contractors, are listed below:

- Fees for 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)
- Costs associated with skills training or testing
- Transportation and lodging costs between the individual's home and worksite
- Costs of orientation and/or training either pre-departure or at worksite, including specialized training for the job assignment
- Costs of medical examination and testing
- Security deposit or bond required by an agent, sub-agent or employer
- Costs associated with paying personnel wages, such as bank fees, ATM card charges, etc.
- Fees for mandatory daily transport to a worksite provided by employer or intermediary
- Costs of work-related equipment (including weapons), tools, and uniform/other apparel

It should be noted that the Federal Acquisition Regulations prohibits all recruitment fees, and [FAR subpart 22.1702](#), includes a definition of recruitment fees. For the ILO-approved comprehensive definition of recruitment fees and related costs and examples, see the [ILO's General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs](#).

## CONTRACTS OF EMPLOYMENT

Employment contracts are a fundamental protection against human trafficking, as they provide transparency in the terms and conditions of employment, helping to ensure that job candidates accept offers of employment voluntarily.

- Job candidates receive complete information on the terms and conditions of employment at the time of recruitment, and successful candidates are provided a written copy (in a language the worker understands) of the employment contract when the job offer is made.
- The company verbally explains the terms and conditions of the contract in the native language of personnel or a language the candidates understand.
- Personnel are provided a signed copy of their original contract, in their native language or a language they understand, before deployment from their home country (if worker has traveled to job site) and, in all cases, before beginning work.
- The company has means to verify that the terms of the contract are clearly understood and fully agreed.
- Employment contracts clearly specify the rights and responsibilities of personnel regarding wages, benefits, hours of work, including regular hours, shift-work requirements, 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 and grievance mechanisms consistent with applicable law.
- The details of working conditions described at the point of recruitment are consistent with the details 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 personnel. Any contract amendments provide



equal or improved terms and conditions and are made with the knowledge and the informed, written consent of the worker.<sup>3</sup>

- Changes to working terms and conditions are made with the knowledge and consent of personnel. Consent is obtained voluntarily and without the threat of penalty. No changes are made that in any way diminish originally contracted wages, benefits, or other conditions of work; or place personnel 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 that personnel can terminate their contract without penalty, given reasonable notice, and in accordance with national law. The required notice period for personnel to terminate their contracts early shall not exceed 30 days or as specified by local law, whichever is shortest.
- The notice period shall be waived in situations where personnel have suffered harassment or abuse or are victims of trafficking in persons. In such cases, the employer shall also be responsible for paying the cost of return transportation for the affected personnel.

## DOCUMENT RETENTION

- Personnel identity or immigration documents, including passports, residency, or work permits, or other personal documents, such as bank books or automated teller machine (ATM) cards, are not destroyed, concealed, confiscated, or otherwise denied access by personnel, for any reason.
- Companies will only hold personal identification documents for the shortest period of time reasonable for administrative processing (such as for work visa application or renewal) or other legitimate legal purpose. During the period

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<sup>3</sup> Note that in the case of unexpected emergency events, such as natural disasters, company policy and protocols should prioritize providing workers with accurate, timely information about any changing conditions and the ability to move freely whenever feasibility and safety considerations allow.

when documents are being held for processing, personnel are provided with an exact photocopy of the documents.

- When personal documents are held by the employer, client company, or agent due to legal requirements, these are immediately returned to personnel upon demand and without any preconditions. In such circumstances, the employer, client company or subcontractor:
  - provides personnel with an exact copy of personal documentation when not in their possession;
  - develops written policies and procedures to prevent abuse;
  - nominates a responsible person to ensure personnel have unhindered access to their documents upon demand; and
  - notifies personnel of these procedures.
- There are no lengthy or otherwise burdensome prerequisites for accessing personnel passports or other personal documents, such as written requests, monetary deposits or waiting periods.
- Personnel are provided, at no cost, an individual, locked, and secure storage space for personal documents and valuables at both their employer-provided accommodation and workplace.
- If the conditions of housing do not allow personnel to have their own secure place to store or safeguard documents against damage or theft, the employer provides personnel with individual locked storage at the workplace to keep passports and personal documents.

## DEPOSITS

Deposits, bonds, levies, and forced savings are means (“menace of penalty”) used to prevent or discourage personnel from quitting their jobs or changing employers and are therefore not allowed under any circumstances.

- Personnel are not required to post a bond at the time of recruitment or at any other time during the employment relationship.

- Companies ensure that recruitment agents, subcontractors or any other intermediary in the labor supply chain do not collect monetary deposits, levies, or security payments from job applicants and personnel.
- The company, or subcontractor acting on its behalf, deducts a portion of personnel wages where it is legally required for payment of taxes, social insurance and other legitimate purposes, and only with the full knowledge and agreement of personnel.
- Where personnel have opted to participate in voluntary savings schemes facilitated by their employer, personnel have unhindered access to and full control over all savings and monies owed. Any interest earned on savings is fully payable to personnel.

## HEALTH, SAFETY, AND WELLBEING

Workplace health and safety is a particular concern in the private security industry as personnel can be posted in locations that present life-threatening situations, such as active war zones and conflict areas. The handling and use of weapons, such as firearms, present additional risks that must be assessed and controlled.

- Companies provide personnel with safe and hygienic working and living environments in accordance with prevailing private security industry standards and recognizing the potential inherent hazards of the work and location of assignment, paying special attention to:
  - prevention of accidents and incidents;
  - management of identified hazards;
  - fire and life safety;
  - emergency preparedness procedures;
  - personnel training;
  - first aid and access to medical services;
  - personal protective equipment; and
  - handling and use of firearms and other weapons.

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- Companies conduct regular assessments of workplace health and safety hazards to personnel, the risks to the local population, and the client company's workers due to the activities of security personnel. The results of the assessment are used to identify and implement operational controls.
- Personnel are provided with information about and instruction on the health and safety hazards of the location of assignment, their jobs, and any precautions needed to prevent injury and illness in a language they understand.
- The company provides personnel with appropriate and fully functional personal protective equipment, at no cost to personnel, as well as instruction on how to properly wear and use it.
- Personnel are consulted on health and safety matters and participate in the review of health and safety measures.
- Personnel have free access to clean, potable drinking water at all times in the workplace and accommodation. For outdoor postings in hot climates, personnel are provided with shade to the extent practical and have access to shaded areas to rest.
- Personnel have ready access to toilet facilities and can freely access them as needed.

### **Hazardous Work and Human Trafficking Risk**

Risk of injury is an unavoidable fact of security assignments. The nature of the work may place security personnel in hostile environments and frequent interpersonal conflict. For example, data shows that in some countries, twice as many private security personnel are killed on duty as police officers. Looking across all types of injuries — fatal and non-fatal — the work-related injury incidence rate for security personnel is more than twice the average injury rate for personnel in all occupations.<sup>iii</sup> Dangerous work, along with difficult and dirty work, is widely considered to have a higher trafficking risk than less risky or arduous work.

Fatalities among private security personnel are most likely caused by violence on the job, while slips and falls are the most common cause of injuries.<sup>iv</sup> Occupational

health and safety studies in the sector have noted that worker safety training for security personnel is critical in preventing injuries and fatalities.<sup>v</sup>

The employer of security personnel has the responsibility to protect the health and safety of personnel in all aspects of the job assignment. This includes acting proactively to prevent occupational health and safety hazards, informing and training personnel, providing personnel with necessary protective equipment, and establishing the organizational structure and resources to fulfil these responsibilities. Training should address common risks, such as falls, transportation accidents, chemical/substance exposure, safe use of any weapons or tools used on the job, assaults, and overexertion.

## HUMANE TREATMENT

- Companies employ a formal process of progressive discipline (verbal warnings, written warnings, suspension, and termination) and do not impose work or wage deductions, or reductions in benefits, as a means to discipline personnel.
- No form of compulsory labor is imposed on any worker. This includes involuntary overtime or requiring personnel to work on their designated rest days.
- The company has formal policies and procedures to prevent harassment in the workplace, including the use or threat of physical or sexual violence, harassment and intimidation, and the company's senior management has expressed clear commitment to this policy.

Sexual harassment is more common in professions where a single gender dominates (whether it be men or women) than it is in those where there is a balanced proportion of men and women. As the security sector is a typically male sector, sexual harassment may be a considerable risk for female security guards.<sup>vi</sup>

- Effective measures are in place to implement, monitor, and ensure company-wide compliance with the anti-harassment policy. Monitoring the effectiveness of anti-harassment measures can include self-audits, regular review of

personnel grievance reports, personnel surveys, and personnel interviews, among other means.

- There is no evidence of complaints, grievances, or actions taken against the company, its managers or supervisors, or its agents and subcontractors, with respect to violence, intimidation, or harassment in the workplace (assuming that the complaint mechanism is robust, trusted, and accessible to workers). In cases where a complaint or grievance has been raised, there is evidence to demonstrate that prompt and transparent action was taken to address it.

## WORKPLACE EQUALITY

- All personnel, regardless of their national origin, ethnicity, race, gender, or legal status, are treated equally in the workplace.
- Foreign migrant personnel are treated no less favorably than country nationals regarding:
  - 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 representative organizations;
  - accommodation; and
  - benefits and social insurance, including social security, maternity and sick leave, disability and employment injury insurance.
- The company, or subcontractors and agents acting on its behalf, has established and implemented policies and procedures to prevent the abuse of vulnerability of foreign migrant personnel, including the threat of denunciation to authorities as a means of coercion.

## WAGES AND BENEFITS

- The freedom of personnel to use their wages as they choose is not limited in any way. Companies facilitate the practice of personnel remitting a portion of their wages to their families back home.
- Wages specified in employment contracts meet or exceed 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. Consideration is also given to the hazards of the posting location in setting wage rates.
- Wage payments are not deferred, delayed, or withheld as a means of binding personnel to employment (see also the Deposits section).
- Wage rates and payments are calculated with full transparency, and the calculation and payment of wages, including legal wage deductions, are clearly explained to and understood by all personnel and documented in pay slips provided to personnel each pay period.
- No unlawful or unauthorized deductions are made from personnel 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 time missed on the job (for example 10 minutes of pay for 10 minutes tardiness).
- Wage advances or loans provided to personnel, along with related interest rates and repayment terms, comply with the law, at a minimum. Additionally:
  - Interest rates and repayment terms are fair. Monthly payments do not exceed 10 percent of a worker's monthly base wage and the total outstanding loan balance cannot exceed 50 percent of one-month base wages. In this way, loans can be repaid in a reasonable amount of time, not exceeding six months.

- The calculation of interest rates for loans, advances, and wage deductions made for their repayment are made with complete transparency to personnel.
- Interest rates do not exceed prevailing local market bank rates.
- The terms of wage advances and their repayment are agreed upon by both parties in advance and in writing.
- Jobseekers, applicants, or personnel are not required to participate in any form of forced or mandatory savings in order to recoup costs associated with recruitment or other services.
- If personnel pay for employer-provided or -arranged housing and food, such charges:
  - do not exceed market rates or the rate paid by locals;
  - do not provide companies or agents with a profit; and
  - are not part of efforts to reclaim placement fees or other fees paid by companies and agents for recruiting personnel.
- All work performed beyond regular work hours, including daily overtime and work on rest days and holiday, is paid at the legally required premium rate.

## WORKING HOURS

- Personnel are not required to work more than the number of hours allowed by national 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 per week.
- Where private security work requires the use of 12-hour work shifts, companies arrange shifts so that personnel work only four regularly scheduled 12-hour shifts per week.
- Personnel track their own working hours using an electronic or other objective, verifiable timekeeping system.



- Effective workplace and company-wide measures are adopted to manage and monitor personnel work hours, including continuous monitoring of hours worked to identify personnel at risk of exceeding the limit, coordination of service delivery with manpower planning, etc.
- All overtime work is voluntary, unless specifically required in a legally recognized collective bargaining agreement.
- Personnel are free to refuse overtime work without threat or fear of punishment or reprisal.
- When personnel agree to work overtime, a process is in place to obtain their written consent at the time of the request.
- Personnel should receive at least 24 consecutive hours of rest in every seven-day period. A 12-hour rest period for each 24-hour period shall be provided to prevent excessive worker fatigue.

### **Overtime and Private Security Work**

Time spent at work in the private security sector is based on flexibility. Personnel may be assigned to different client company worksites on any given day, perform night and weekend work, experience constantly changing work shifts, and experience long working days; regular heavy overtime is common. Overtime is unavoidable for many private security personnel, especially those posted in isolated locations, such as oil and gas exploration or minerals extraction sites.

There is evidence that overnight work is associated with a higher rate of occupational injury,<sup>vii</sup> demonstrating that fatigue is likely a factor in these accidents. Therefore, it is critical that security personnel maintain a schedule that allows adequate time for rest and prevents excessive fatigue.

As forced overtime is considered an “involuntariness” risk factor for forced labor by the ILO, companies must clearly communicate overtime expectations at the point of recruitment and in employment contracts so that personnel knowingly and voluntarily accept such conditions of work. There should then be a formal process to manage overtime requests that exceed the limits specified in their employment

contracts or collective bargaining agreement that ensure personnel can refuse such requests without penalty or fear of retaliation.

## FREEDOM OF MOVEMENT AND PERSONAL FREEDOM

- Personnel enjoy reasonable freedom of movement within their work and living environments. Any legitimate constraints to off-premises movement (for example, for valid personal safety or security concerns) are specified prior to the signing of the employment contract.
- Personnel 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 should be no retaliation for any such action.
- Personnel have unrestricted access to basic necessities (drinking water, toilets) during both work and non-work hours.
- The presence of security personnel or other security measures in the workplace or employer- or recruiter-provided or arranged residences are not used as a means to restrict worker freedom of movement.
- No other coercive means are used to restrict 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.
- Personnel are not required to live in employer- or recruiter-operated residences as a condition of employment, unless required by applicable law.
- Foreign migrant personnel are free to return to their home country during leave, without any penalty or threat of termination.

## GRIEVANCE PROCEDURES

Effective grievance mechanisms are needed to address claims alleging failure by the employer, recruitment agencies, or the client company to protect personnel against human trafficking risks and for third parties to report allegations of misconduct by personnel or the private security company that cause or contribute to human rights harms. For additional information, please see ICoCA's guidance on grievance mechanisms, available at: [icoca.ch/wp-content/uploads/2020/07/interpretative-guidance.pdf](https://icoca.ch/wp-content/uploads/2020/07/interpretative-guidance.pdf)

- Company and recruiter practices demonstrate a functioning and effective grievance procedure in compliance with Principle 31 of the United Nations Guiding Principles on Business and Human Rights (UNGPs).
- Grievance mechanisms are available in a language the personnel and third parties understand.
- Effective measures are in place to ensure that personnel and third parties know how to use the mechanism and feel safe and free from potential retaliation for doing so.
- The grievance procedures provide a mechanism that ensures the confidentiality of the worker who submits the grievance so workers can participate without fear of retaliation.
- Where personnel grievances are raised, effective and appropriate procedures are in place to ensure a rapid and mutually agreed settlement.
- Third-party complaints are mutually resolved with the involvement of representatives of the affected individuals or community.
- Resolution of workplace and third-party grievances are regularly reported back to all personnel and affected individuals/communities, respectively.
- Results of personnel surveys and interviews confirm that personnel 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 personnel participation mechanisms are properly trained and have clearly defined and documented responsibilities.
- An effective appeal process is in place to impartially evaluate any disputed grievance resolution.

### **Personnel Grievance Mechanisms**

All personnel, especially those with higher levels of vulnerability such as foreign migrant workers, should be able to safely 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 Principle 31 of the UNGPs. Under these principles, effective 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*: being known 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 and outcomes available and the means of monitoring implementation;
- *Equitable*: seeking to ensure that aggrieved parties have reasonable access to sources of information, and the advice and expertise necessary to engage in a grievance process on fair, informed, and respectful terms;
- *Transparent*: informing parties to a grievance about its progress, and providing sufficient information about the mechanism's performance in order 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.

For a grievance mechanism to be effective, it should have established, easy-to-understand procedures; ensure confidentiality; allow personnel to confidentially report grievances against a supervisor or the client company without fear of retaliation or reprisal of any kind; and include a system that provides personnel with access to additional social support if needed. Workers should be free of fear of reprisal to report complaints related to a harm suffered directly as well as to express whistleblowing related to an observation of unethical behavior impacting others.

## PRIVATE EMPLOYMENT AGENCIES AND LABOR RECRUITERS

- The company hires personnel directly whenever possible.
- When the recruitment, selection, and hiring of personnel is undertaken by a private employment agency or other third party, companies have the responsibility 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 charge recruitment fees or engage in fraudulent behavior that places personnel at risk of human trafficking.
- Where informal labor brokers predominate in the country of recruitment, the company shall have a plan for moving toward the use of formal brokers who are held accountable to company policies or direct hiring.
- The company signs a formal contract with the recruitment agency and performs regular due diligence on the agency and its recruitment partners involved in the hiring and placement of personnel.
- Effective measures are established by the company to ensure the legal compliance of recruitment agents in each jurisdiction in which they operate.
- The recruitment 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 recruitment agency has not been cited, suspended, or otherwise sanctioned for noncompliance with any laws in any country of operation; or, where a citation for noncompliance exists, the agency can demonstrate that it has rectified the noncompliance.
- When recruitment happens across international borders, the recruitment agency respects bilateral or multilateral migration agreements regarding human rights and the rights of personnel between the countries of origin and countries of destination.
- The company has mechanisms to monitor the performance of agents and recruiters to ensure that no deception, fraud, and/or coercion in the recruitment, placement, transport, or management of personnel take place. Mechanisms could include, but are not limited to, interviews with newly hired personnel, visits to and interviews with agents and recruiters, and review of transactions and records.
- The company, or 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 personnel regarding employment conditions, job locations, employment or contract duration, or anticipated earnings.
- The recruitment agency has an implementing structure, an 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 legislation/regulations or changes in legislation/regulations.
- The recruitment agency has a code of conduct that prohibits human trafficking and sets out protective measures for personnel. The code covers principles elaborated in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children relevant to ILO Conventions, as well as standards for responsible recruitment such as the International Code of Conduct

for Private Security Service Providers, Code of Conduct of the International Confederation of Private Employment Agencies (CIETT), the International Recruitment Integrity System (IRIS) Standard, 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 recruitment 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 subcontracted agency has established effective remediation procedures in case of verified reports of noncompliance, including mechanisms to ensure the reimbursement of personnel for any recruitment fees paid.
- The company, or recruitment agents acting on its behalf, does not use any means to restrict the freedom of personnel to terminate employment, for example, by levying excessive recruitment fees, requiring deposits, or withholding personal documentation.

### **Labor Recruiters and Human Trafficking Risk**

Transnational recruitment of private security personnel targets countries with high poverty levels and personnel with limited employment options, which likely means that personnel are vulnerable to being subjected to exploitation and human trafficking. In addition, personnel for private security companies worldwide are often recruited via third-party labor agents who are often found to impose fees on personnel they recruit. Nepali guards, for example, are often recruited via complex networks of formal and informal intermediaries in Nepal. There are also reports that private security personnel from Fiji and Uganda experience recruitment via networks of intermediaries. Recruitment via intermediaries can raise the risk of recruitment fees and deceptive recruitment, which can in turn raise personnel vulnerability to human trafficking.

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,

and/or informal intermediaries predominate, companies can move progressively towards direct hiring and/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 formalized 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 personnel fees and to adequately and accurately explaining terms and conditions of jobs to personnel.

If formal screening processes of recruiters are not possible, the entity contracting with the labor recruiter can interview personnel about their recruitment experiences. For guidance on interviewing foreign migrant personnel 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 [Tool 9](#).

## FREEDOM OF ASSOCIATION

- Personnel have the right to organize and bargain collectively in accordance with national law. When freedom of association and collective bargaining is prohibited by law, companies will respect the rights of personnel to access independent forms of representation and negotiation.
- Foreign migrant personnel have the same rights to join and form trade unions and to bargain collectively as other personnel.
- Employers and labor recruiters maintain a policy of neutrality toward union organizing; personnel are not discriminated against, penalized, blacklisted, or fired for membership in any worker organization or for organizing trade unions, nor are they compelled by the employer or recruiter to join any worker organization.
- Personnel 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 any means (incentives or intimidation).
- Employers and labor recruiters do not hire or recruit personnel for the purpose of replacing those exercising their right to strike.
- Personnel do not act to infringe the rights of freedom of association of client company personnel either by independent actions or by following directions of client company management.

## PERSONNEL TRAINING

Comprehensive training and information are essential not only to minimize the risk of human trafficking to private security personnel, but also to ensure that the actions of personnel do not cause adverse human rights impacts, including human trafficking, to the population served or the community.

Training includes:

- Pre-departure orientation 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 in place for personnel.
- Arrival training on the employer's and client company's workplace rules and procedures, the grievance process, the housing arrangements (if provided or arranged by the employer), and the conditions of work, including any health and safety hazards and the precautions needed to ensure personal safety.
- 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.
- The customs and norms of the country and location of work.
- Prohibition on the procurement of commercial sex.
- Working in hostile environments and proper use, storage, and maintenance of weapons, and appropriate use of force, as needed.

- How to respect the human rights of individuals and local communities and peacefully resolve conflicts and disputes, in alignment with the Voluntary Principles on Security and Human Rights and international standards.

All written information and training are provided in the native language of the personnel or a language they understand.

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

## HOUSING

Foreign migrant personnel are typically provided with housing by their employer, the labor recruiter, or in some cases, by the client company. Housing for personnel must meet not only local building and housing standards, but also provide adequate security for private services provided in conflict areas.

- When housing is provided by an employer or client company, housing meets the minimum structural and housing standards set by local competent authorities or in the absence of local requirements, by ILO R115 – Workers’ Housing Recommendation. <sup>viii</sup>
- Fire safety measures include installation and maintenance of fire protection and suppression equipment (smoke detectors, alarms, fire extinguishers, etc.).
- Personnel are trained on how to report an emergency and evacuation procedures.
- Adequate exits are provided, properly maintained, unlocked, and readily accessible.
- Emergency preparedness plans are established for fire and health emergencies, and as needed to handle location-specific situations (earthquake, flood, etc.).
- Personnel have adequate personal space for sleeping.
- As far as practicable, sleeping rooms should be arranged so that shifts are separated. No personnel working during the day share a room with personnel on night shifts.

- All personnel should have individual beds.
- The provider of housing should ensure housing meets the provisions of ILO R115 – Workers’ Housing Recommendation.<sup>ix</sup>
  - Personnel have easy access to medical facilities and medical staff. Where possible, female doctors/nurses should be available for female personnel.
  - First aid kits adequate to the number of residents are available and adequately stocked. Where possible a 24/7 first aid service/facility is available.
  - A security plan including clear measures to protect personnel against theft and attack is implemented.
  - Transportation is provided for personnel to and from worksites and to and from required services. Use of employer-provided transportation is optional and costs are in line with market rates.

## ENDNOTES

- <sup>i</sup> “Child Soldiers Reloaded: The Privatisation of War.” Al Jazeera, 1 May 2017, [www.aljazeera.com/program/episode/2017/5/1/child-soldiers-reloaded-the-privatisation-of-war/](http://www.aljazeera.com/program/episode/2017/5/1/child-soldiers-reloaded-the-privatisation-of-war/).
- <sup>ii</sup> *Office of the Special Representative of the Secretary General for Children and Armed Conflict*. United Nations, [childrenandarmedconflict.un.org/global-coalition-for-reintegration-of-child-soldiers/](http://childrenandarmedconflict.un.org/global-coalition-for-reintegration-of-child-soldiers/).
- <sup>iii</sup> International Security Ligue. “The Risk of Harm to Private Security Personnel.” *Ligazette*, no. 26, June 2019. [www.security-ligue.org/ligazette/the-risk-of-harm-to-private-security-personnel-what-are-todays-biggest-problems](http://www.security-ligue.org/ligazette/the-risk-of-harm-to-private-security-personnel-what-are-todays-biggest-problems).
- <sup>iv</sup> International Security Ligue. “The Risk of Harm to Private Security Personnel.” *Ligazette*, no. 26, June 2019. [www.security-ligue.org/ligazette/the-risk-of-harm-to-private-security-personnel-what-are-todays-biggest-problems](http://www.security-ligue.org/ligazette/the-risk-of-harm-to-private-security-personnel-what-are-todays-biggest-problems).
- <sup>v</sup> Witt, W.S., et al. “Workers compensation-reported injuries among security and law enforcement personnel in the private versus public sectors.” *Injury Epidemiology*, vol. 5, Dec. 2018,. [www.ncbi.nlm.nih.gov/pmc/articles/PMC6026584/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6026584/).
- <sup>vi</sup> UNI Europa and CoESS (Confederation of European Security Services). *Preventing Occupational Hazards in the Private Security Sector, European Training Manual*. Centre de Sociologie de la Santé (1) of the Université Libre de Bruxelles, Sep. 2004, [www.eesc.europa.eu/sites/default/files/resources/docs/140-private-act.pdf](http://www.eesc.europa.eu/sites/default/files/resources/docs/140-private-act.pdf).
- <sup>vii</sup> International Security Ligue. “The Risk of Harm to Private Security Personnel.” *Ligazette*, no. 26, June 2019. [www.security-ligue.org/ligazette/the-risk-of-harm-to-private-security-personnel-what-are-todays-biggest-problems](http://www.security-ligue.org/ligazette/the-risk-of-harm-to-private-security-personnel-what-are-todays-biggest-problems).
- <sup>viii</sup> *R115 - Workers’ Housing Recommendation, 1961 (No. 115)*. International Labour Organization, no. 115, 1961 (No. 115), [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R115](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R115).
- <sup>ix</sup> *R115 - Workers’ Housing Recommendation, 1961 (No. 115)*. International Labour Organization, no. 115, 1961 (No. 115), [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R115](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R115).