



RESPONSIBLE SOURCING TOOL

Private
Security
Industry |
Tool 7

PROTECTIONS AGAINST TRAFFICKING IN PERSONS¹

Criteria for Screening and Evaluating Labor Recruiters

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

When direct recruitment is not possible, companies must exercise careful due diligence in the screening and selection of labor recruiters, both formal and informal labor recruiters or contacts through which personnel are acquired, to minimize the risk of human trafficking as a result of fraudulent or misleading recruitment practices.

Recruitment-related intermediaries are common in many industries and sectors, including the private security industry. The services of recruitment-related intermediaries may be engaged directly by private security companies or by companies' subcontractors. These intermediaries may themselves work with recruiters in the home-countries of personnel being recruited. Secondary labor recruiters or agents in origin countries often include informal businesses that are unlicensed and unregulated. While using recruitment-related intermediaries can help companies recruit and hire personnel quickly, it is important to be aware of the potential risks due to the lack of visibility into recruitment and hiring practices associated with third-party actors. Therefore, before private security companies contract with a labor recruiter or subcontractor, they must screen and evaluate their recruitment practices to ensure that they are in line with their code of conduct and business goals.

The following tool recommends a general approach to due diligence in this regard but is not intended to ensure compliance with specific legal requirements, such as the Federal

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.

Acquisition Regulation (FAR): Combating Trafficking in Persons. It is designed to be used alongside other evaluative measures for assessing general policies, past performance and conduct of personnel recruited, and management experience that private security companies might use to hire a labor recruiter or subcontractor.

The goal of screening labor recruiters is acquiring enough information to have reasonable confidence that selected labor recruiters will comply with all applicable legal requirements and standards for ethical recruitment. When evaluating a potential labor recruiter, this process will entail looking for the presence or absence of ethical recruitment policies and procedures. Because evaluating potential recruiters' practices is both challenging and vitally important, companies may consider prioritizing recruiters or recruitment agencies that participate in fair recruitment certification programs. Participation in certification programs allows recruiters to demonstrate their commitment to ethical practices and increased transparency and oversight. Examples of recruitment certification programs include: International Organization for Migration's International Recruitment Integrity System (IRIS)ⁱ and Clearview.ⁱⁱ

Assessing recruiters' ongoing performance occurs 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 (social responsibility expectations), legal requirements (licensing requirements, applicable laws and regulations, government procurement requirements, etc.) and technical requirements (ability to source qualified, vetted, and suitable personnel within a defined timeframe and budget). This will help the company to better understand the labor recruiters' policies and approaches to preventing human trafficking, including 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 country of origin (of workers and personnel), transit countries (if any), country of operation, and any other applicable legal requirements (see Tool 4)

- the company's Supplier Code of Conduct or other supplier requirements, and those of its clients
- fair recruitment standards and certification schemes such as:²
 - International Organization for Migration, [IRIS Recruitment Standard](#)
 - International Labour Organization, [General principles and operational guidelines for fair recruitment](#)
 - The Dhaka Principles for Migration with Dignity
 - On the Level, Principles and Standards of Ethical Recruitment: [https://www.otl-protocol.com](https://www.otl-protocol.com;);
 - Clearview Technical Standards: <https://responsiblerecruitmenttoolkit.org/download/8210/>.

Once the screening criteria have been defined, each criterion should be paired with indicator(s) that serve to measure whether it is being met. See the table below for an example.

Sample Criteria	Sample Indicators
Compliance with legal requirements	<ul style="list-style-type: none"> • The recruiter is registered and licensed in all countries of operation. • The recruiter has no record of legal sanctions in the past three years, or violations have been corrected or are on-track for correction. • The recruiter participates in a fair recruitment certification program. • The recruiter regularly evaluates its compliance with legal requirements. • The recruiter can demonstrate that personnel being recruited are legally allowed to work in the country in which the private security company is operating.

² These standards have also been reviewed in creation of these tools.

<p>Compliance with international labor standards³</p>	<ul style="list-style-type: none"> • The recruiter formally expresses a commitment to uphold the company’s Supplier Code of Conduct. • The recruiter has formal policy statements committing it to compliance with international standards on labor and human rights. • The recruiter has a process to ensure ongoing knowledge of applicable international standards on labor and human rights.
<p>Compliance with company and legal standards on: <i>recruitment</i></p>	<ul style="list-style-type: none"> • The recruiter 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 (including, but not limited to, the identity of the employer, the location and nature of work, and the rate of pay); or ○ making material misrepresentations about the key terms of employment, 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’ and ○ can demonstrate that their recruitment practices comply with these standards. • The recruiter has a policy stating that no worker will be charged recruitment fees. • The recruiter has processes in place to inform personnel of their right not to be charged recruitment fees. • The recruiter can demonstrate that personnel have not been charged recruitment fees and that their clients have in fact covered the costs. • The recruiter has a policy stating that all personnel shall retain access to their identity documents. • The recruiter has a procedure for verifying that personnel are not charged fees by its recruitment business partners (for example, origin country recruitment agents and sub-agents working in personnel’s countries of origin).

³ International labor standards include The Universal Declaration of Human Rights, ILO Declaration on Fundamental Principles and Rights at Work, and other ILO Conventions.

	<ul style="list-style-type: none"> The recruiter has a procedure for verifying that personnel are recruited directly to the country and site of employment rather than via a transit country to await the commencement of a job contract.
Compliance with company and legal standards on: <i>employment contracts</i>	<ul style="list-style-type: none"> The recruiter has a policy to ensure that personnel contracts meet all legal and company requirements. Personnel contracts include accurate and verifiable information on position, location of job, length of contract, housing, name of the employer, wages, working hours, any legal wage deductions, and all applicable benefits. Recruiter maintains records demonstrating that personnel receive accurate copies of contracts in a language they understand prior to departure. Recruiter has processes in place to validate that terms of employment do not differ from those offered to worker during recruitment.
Compliance with company and legal standards on: <i>grievance mechanisms</i>	<ul style="list-style-type: none"> Recruiter makes grievance mechanisms available to job seekers and workers. Recruiter has a policy of non-retaliation for individual participation in grievance mechanisms.

CONDUCTING A SCREENING INTERVIEW

When interviewing prospective labor recruiters, the recruiters 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 recruiters are open to engagement around issues of fair recruitment. In the table below, Verité offers some examples of questions that could be asked in this regard.

Sample Criteria and Indicators	Sample Screening Questions
Compliance with legal requirements	<ul style="list-style-type: none"> • Where is your company registered or licensed to operate? • Has your company been subject to any regulatory actions where monetary penalties were assessed? • 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? • How do you evaluate your compliance with legal requirements? • Would you agree to sign a service agreement that commits you to adhering to the legal requirements of the origin, transit, and destination countries?
Compliance with international labor standards	<ul style="list-style-type: none"> • Do your recruitment, selection, and hiring policies and procedures align with international standards, such as the Universal Declaration of Human Rights and ILO Conventions? • How often are your policies and procedures reviewed and updated? • How do you evaluate your alignment with international labor standards?
Compliance with company and legal standards on: recruitment	<ul style="list-style-type: none"> • Does your company have a policy that prohibits giving misleading or fraudulent information to job applicants? • 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? • Where in the recruitment, selection, and hiring process do you think the risk of personnel being charged fees is highest? • How do you communicate working and living conditions to prospective personnel? How do you ensure that this information is accurate? • What operational controls have you put in place to ensure that personnel are not charged fees or given false or misleading information? Following are some examples of controls: <ul style="list-style-type: none"> ○ Procedures are in place to implement the no-fee statement in the Supplier Code of Conduct.

	<ul style="list-style-type: none"> ○ Job applicants and personnel can report violations of the no-fee policy without retaliation. The grievance procedure includes an investigation and response to reports of violations. ○ A policy and implementing procedures that prevent the use of illegal or unauthorized sub-agents or subcontractors. ○ 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. ○ If personnel are being recruited from remote or interior regions, the client company has staff (on the company's payroll) in these areas too. ○ Personnel, 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. ● How are personnel's identification documents handled during the recruitment and hiring process (for example, when work permit and visas are being processed)? ● Do the personnel you recruit spend time waiting for their employment to begin in transit countries? If so, where do they live while in the transit country and who covers the associated costs?
<p>Compliance with company and legal standards on: <i>employment contracts</i></p>	<ul style="list-style-type: none"> ● How do you know that the terms of employment contracts and the process of issuing employment contracts comply with origin and destination country legal requirements? ● How do you ensure that employment contract terms and conditions comply with: <ul style="list-style-type: none"> ○ your client company's recruitment standards? ○ your client company's customer (for example, U.S. Federal Acquisition Regulation: Combating Trafficking in Persons)? ● How do you make sure that worker employment contracts are complete and accurate? ● In what language(s) are employment contracts written? ● How do you verify that personnel understand the terms and conditions of their contracts?
<p>Compliance with company and legal</p>	<ul style="list-style-type: none"> ● What can job applicants and personnel 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)?

standards on: <i>grievance mechanisms</i>	<ul style="list-style-type: none"> • How do you tell job applicants and personnel about the grievance mechanisms available to them to report recruitment issues? • What happens when personnel use one of these mechanisms? How is the reported problem investigated and resolved? • How do you make sure that job applicants and personnel are not retaliated against for reporting problems? • How do you ensure that migrant personnel have access to legal help, should it be needed, if they are recruited to work in a country in which their home country does not have an embassy or active diplomatic presence?
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EVALUATING THE RESULTS AND MAKING A FINAL DECISION

After labor recruiter candidates have been screened, their responses must be evaluated. Verité recommends using a transparent methodology for evaluating labor recruiters 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 recruiter 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 recruiter 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 allows for the performance of all candidates to be cross-analyzed, compared, and ranked with ease.

Example Labor Recruiter Screening Scorecard			
Criteria	Weight (%)	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: Weighted percentages 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 its clients.

Once the successful labor recruiter 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 recruiter on an ongoing basis.

In contexts or situations where oversight of labor recruitment is weak or non-existent and where informal recruitment predominates, companies should move progressively towards direct hiring. However, in some contexts, it's possible that some labor recruitment will likely continue to occur through informal channels. Informal recruiters and brokers are inherently more difficult to monitor. Nevertheless, whenever a third party is connecting personnel to employers, they should still be held to basic standards of fair practice. With the exception of the requirement for a valid license number, all of the policies and processes listed above should apply to informal providers as well. For example, informal labor providers can still be held accountable for accurately explaining terms of conditions of work to jobseekers, not charging recruitment fees, and not retaining identity documents. The burden of communicating these expectations and monitoring against their performance is on the company that engages the third-party labor recruiter.

Endnotes

i International Recruitment Integrity System. "IRIS Standard." iris.iom.int/iris-standard.

ii Clearview Assurance. www.clearviewassurance.com.