



RESPONSIBLE SOURCING TOOL

Private
Security
Industry |
Tool 9

PROTECTIONS AGAINST TRAFFICKING IN PERSONS¹

Monitoring the Performance of Labor Recruiters

The risks of human trafficking for personnel, especially migrant personnel, employed in the private security industry can be controlled by properly designed and implemented processes for the 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. The risk increases when these responsibilities are passed to informal recruiters who gather personnel through social and familial networks.

Whenever possible, **security companies** should recruit, hire, and employ personnel directly. When direct recruitment is not possible, security companies must exercise careful due diligence in the selection of labor recruiters to minimize the risk of human trafficking as a result of fraudulent or misleading recruitment practices (refer to Tool 7, Criteria for Screening and Evaluating Labor Recruitment Candidates). Once a company has engaged a labor recruiter, regular monitoring of the recruiter's performance against the company's Code of Conduct and legal requirements is essential to help ensure ongoing compliance. If a security company utilizes the services of a **subcontractor**, the company should ensure that the subcontractor exercises the same careful due diligence in selecting and monitoring labor recruiters.

When selecting a vendor to provide security services, client **companies** must exercise careful due diligence to assess the vendor's labor recruitment practices and regularly monitor those practices against the vendor agreement or contract that has been signed.

The following sample tool recommends a general approach to monitoring labor recruiter performance but is not intended to ensure compliance with specific legal requirements, such as the U.S. Federal Acquisition Regulation (FAR): Combating Trafficking in Persons.

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.

INTRODUCTION

The purpose of a labor recruiter performance assessment is to verify whether the recruiter is performing according to legal requirements, fundamental international labor rights, and to the social responsibility requirements that the company or its customer has defined. In some cases, recruiters may manage or house migrant personnel before they begin their job in the private security industry in the destination country, as well as while personnel are on the job. Therefore, many of the criteria below go beyond assessing recruiter performance during the recruitment period to a more comprehensive assessment of recruiter performance throughout the employment lifecycle.

Companies need visibility into how their labor recruiters are performing against legal requirements, social responsibility benchmarks and the terms and conditions of their service agreements. Performance assessment is especially critical where there may be human trafficking risks or concerns; beyond monitoring the performance of labor recruiters, the goal is to enhance protections for migrant personnel. Note that although this tool uses the term “recruiter,” these assessment criteria could apply to any party hiring and engaging personnel, such as subcontractors and vendors.

Having an assessment procedure in place gives companies an objective basis for management decisions and helps protect against hidden abuses. It also drives labor recruiters to perform effectively, continually improve, and meet agreed upon goals related to business and social responsibility.

Individual companies should judge the best time for an assessment based on the job cycle, specific contract, and other considerations. Concerning the outsourcing of recruitment and hiring, an assessment of the labor recruiter should be conducted soon after personnel arrive at the work site. Assessments should also be conducted prior to contract renewal or in advance of subsequent deployment of personnel. Recruiters responsible for aspects of on-site management of personnel should be assessed periodically, and issues that have been identified should be promptly addressed.

As discussed in Tool 7 on screening labor recruiters, participation in certification programs allows recruiters to demonstrate their commitment to fair practices and increased transparency and oversight.²

² Examples of certification programs for recruitment systems include the International Recruitment Integrity System “IRIS Standard” and the [Clearview Global Labour Provider Certification Scheme](#).

As in screening potential personnel, each company will need to establish its own specific criteria when monitoring a recruiter's performance. To determine criteria, a company should undertake a careful review of the following documents and guidance:

- Legal requirements in the country of origin, transit country, and country of operation and other applicable legal requirements, including international labor standards (See Tool 4)
- Company Code of Conduct or other policy governing labor and human rights
- Client company (customer) Code of Conduct or other high-level labor and human right policy
- Fair recruitment standards and certification schemes such as:
 - 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/>;
 - Clearview Technical Standards: <https://responsiblerecruitmenttoolkit.org/download/8210/>.

The performance assessment itself requires a process of triangulation — gathering and analyzing information from multiple sources (e.g., document and records, management and staff interviews, observations, and interviews with job candidates and personnel). Ultimately, the most valuable information will come from the personnel and job applicants as they are directly impacted by the recruiter's practices. For more information on conducting worker interviews as part of an assessment, see Tool 10.

INFORMATION SOURCES

Collecting information from relevant sources allows for triangulation and validation. Interviewing workers, or recruited security personnel, provides an opportunity for workers to share their experiences directly, while interviews with management and recruiters can surface important contextual dynamics. Document reviews provide objective evidence and insight into the state of management systems.

While some sources of information may not be available in all cases, whenever possible, assessments or audits should seek to include the following components:

- Worker interviews (the sample of personnel interviewed should include representation from different genders, nationalities, languages, and job assignments)
- Recruitment agency management and staff
- External stakeholders, such as government agencies accrediting labor recruiters, unions, and local civil society organizations, including worker centers
- Internet search for evidence of engagement in illegal or unethical activities
- Recruiter documents including:
 - Business records — license, registration, certifications, etc.
 - Service agreements with employers showing how much the employer pays the recruiter for its services
 - Records of payment for visas, work permits, medical testing, and other legally required fees and expenses
 - Records of payment for worker transportation and lodging expenses
 - Payroll records — with attention to any records of fees or wage deductions
 - Discipline records
 - Records from any applicable grievance mechanisms
 - Records of audits and assessments performed by other clients and certification organizations
 - Records of trainings conducted for personnel
- Visual observation of living and dining areas provided by recruiters (if applicable)
- Visual observation of the offices of the recruitment agency

Worker Interviews and Audits of Recruiters in Workers' Countries of Origin

Interviewing personnel as part of an audit of labor recruiters in workers' countries of origin requires careful planning. Unlike a worksite audit, there are likely few personnel and job candidates available for interviews at the labor broker's offices. Those that are present — job applicants and personnel awaiting deployment — may be reluctant to be interviewed for fear of impacting their selection for a job or deployment.

Therefore, worker interviews as part of a labor recruiter assessment must include personnel that have already been deployed to the employment site. This will require coordination with both the recruiter and employer to obtain the names of the personnel sourced by the recruiter to be audited and permission from the employer to conduct interviews with the personnel.

The following sections address the typical assessment areas for recruiter audits, including the need and context for screening, followed by a list of information to gather, and an articulation of key red flags and risks to look out for.

In addition to the issues articulated below, companies should follow up on the issues raised during the initial recruiter screening to ensure that processes have not changed, and no additional risks have been introduced.

1. ASSESSMENT AREA: RECRUITMENT FEES

The possibility that a labor recruiter has induced jobseekers into paying recruitment fees or service fees is a risk and should be evaluated by your company. In such cases, personnel may have borrowed money to pay the recruitment fees which increases the likelihood that they could be entering a situation of debt bondage before they set foot at the work site.

It is therefore important that security companies clearly communicate to their labor recruiters and, if applicable, subcontractors that jobseekers cannot be charged recruitment fees, and that the employer must pay for their recruitment. Companies hiring private security services should clearly communicate to their service provider that jobseekers must not be charged recruitment fees and that this practice should be communicated to any labor recruiters the service provider uses. This “employer pays” requirement should be included in a company’s Subcontractor Code of Conduct, service agreements, contracts, and purchase agreements with all labor recruiters, vendors, service providers, and subcontractors, as applicable. Oversight must also be in place to ensure that the labor recruiter abides by this requirement.

An important starting point for any evaluation of recruitment fee violations is the service agreement between the labor recruiter and the customer — this may be a company itself or the company’s subcontractor or vendor. The agreement needs to clearly describe how much the customer pays the recruiter for its services, including a delineation of what is included in the recruiter’s service fee:

- The type and amount of each government-required fee (for example, recruitment permit, calling visa, work permit, medical testing, exit visa, etc.)
- The cost of lodging and transportation from the time the job offer is accepted to arrival of the worker at the worksite
- Repatriation costs upon completion of the contract
- The recruiter’s fee for performing the above services

Of course, even with service agreements in place, a recruiter may still charge personnel recruitment expenses. Finding hard evidence of this is difficult as fee-charge violations rarely have a paper trail, or the paper trail is falsified to hide payments by personnel.

Personnel are often the only source of information regarding violations of this standard. Personnel must have a safe means for reporting violations directly to the company, and a credible and well-communicated procedure must be in place to investigate and respond to such reports, including making sure that the practice is stopped and personnel are reimbursed for any fees paid.

Information to Collect	
<input type="checkbox"/>	<p>A description of how the labor recruiter ensures compliance with the “employer pays” policy (e.g., the policy is included in service agreements and employment contracts, and sanctions are in place for noncompliance)</p> <p><i>Common Risk/Red Flag: No written commitment by the labor recruiter to adhere to the “employer-pays” policy</i></p>
<input type="checkbox"/>	<p>Contracts and service agreements with any sub-agents or other recruitment intermediaries containing the “employer pays” policy</p> <p><i>Common Risk/Red Flag: No service agreement in place between the recruiter and client company that includes how the recruiter is paid for its service and what is included in the service fee</i></p>
<input type="checkbox"/>	<p>Service agreements listing fees and costs that must be paid by the employer or labor recruiter, such as:</p> <ul style="list-style-type: none"> • Recruiter service fees • Recruitment or placement fees in both countries of origin and countries of destination • Airfare or cost for other modes of transportation from the worker’s home to the employment location • Cost for passport and visa • Work permits • Residency permits • Skills tests • Medical exams • Pre-departure training • Arrival training • Security deposits or bonds • Government-required fees, etc.

	<i>Common Risk/Red Flag: No records verifying the customer paid the recruiter for its services</i>
<input type="checkbox"/>	Records of payments by the recruiter's customers for its services and of payments by the recruiter for the fees and costs listed above <i>Common Risk/Red Flag: No records of payment of legally required fees and expenses by the recruiter</i>
<input type="checkbox"/>	Mechanisms for jobseekers to report violations of company policy on recruitment fees <i>Common Risk/Red Flag: Lack of an effective and safe procedure for personnel to report ethical violations by internal staff or subcontractors of the employer-pays policy (for example, personnel are coached to lie about fees and expenses)</i>
<input type="checkbox"/>	Recruiter procedures for refunding fee charges <i>Common Risk/Red Flag: Jobseekers are charged fees for items such as mandatory skills training, processing deployment documentation, or reservation fee and/or deposits</i>
<input type="checkbox"/>	Worker experiences of paying fees, including supporting receipts provided by personnel, if available <i>Common Risk/Red Flag: Jobseekers are charged fees beyond market rates for recruiter-owned or -operated accommodations during the pre-job offer period or during employment</i>

2. ASSESSMENT AREA: CONTRACTS, ORIENTATION, TRAINING AND GRIEVANCE

By assessing contracts, orientation, and training, and grievance management will learn:

- how personnel are informed about their legal rights and responsibilities, company policies, and employment conditions;
- whether these policies and conditions are explained and provided to personnel in a language they understand;
- how the recruiter ensures personnel clearly understand the policies and terms and conditions of their employment, and
- whether workers have a means of raising concerns and accessing remedy in the course of the recruitment process or employment in the case where the agency manages workers on-site.

Companies also need to check if the information provided to personnel during pre-departure training is identical to what they received prior to the start of work at the place of employment. It is particularly important to know whether the terms and

conditions the personnel originally agreed to are consistent with those offered at the start of their employment, and if these terms and conditions are consistent with actual practice.

Personnel should have signed a contract in their country of origin which was likely approved by the country authority. In most cases, these contracts are patterned after standard government contracts to expedite personnel deployment abroad.

However, upon arrival in the country of destination, some employers ask personnel to sign supplemental or new agreements. These agreements may contain additional terms and conditions that can be unfavorable to personnel. Upon arrival, personnel are typically not in a position to renegotiate terms or refuse to sign supplemental agreements; doing so increases their risk to human trafficking.

Both security companies hiring security personnel and companies hiring the services of a security provider must be aware of who provides worker training, whether the training meets legal and Code of Conduct requirements, and whether that training is effective (i.e., personnel demonstrate an understanding of the information provided).

Workers must have access to effective grievance channels that they face no barriers to using and protect them from negative consequences if they complain.

Information to Collect	
<input type="checkbox"/>	<p>Employment Contracts</p> <ul style="list-style-type: none"> • Blank contracts from countries of origin • Contract amendments • Random sampling of signed worker contracts (ensure that sampling includes representation of personnel from all countries of origin, languages spoken, job assignment, etc.) • Worker interviews to verify understanding of contract terms and conditions <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Information provided to personnel is not consistent with employment contracts, applicable legal requirements, and company policies and procedures</i> • <i>Contracts are not in a language worker understands</i> • <i>Contract terms not explained verbally to personnel who cannot read</i> • <i>Contracts provided by personnel and employers are inconsistent</i> • <i>Contracts do not contain all detail required by law or company policy</i>
<input type="checkbox"/>	<p>Training Programs</p> <ul style="list-style-type: none"> • Description and content of training programs provided by the recruiter or employer

	<ul style="list-style-type: none"> • Pre-departure and arrival training; documentation and training materials • Skills development training materials and records • Records of training attendance and knowledge measurement <p><i>Common Risk/Red Flag: No clear procedures for conducting pre-departure and arrival training of new hires</i></p>
<input type="checkbox"/>	<p>Verification of Worker Understanding</p> <ul style="list-style-type: none"> • Languages spoken by personnel • Native language handouts, worker’s copy of training materials • Worker interviews to understand how much they remember from both pre-departure and arrival training • Records of training attendance and knowledge measurement • Worker interviews to confirm they know how to use the grievance procedure and understand the non-reprisal policy <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Training is conducted by recruiter or subcontractor, which may result in inconsistent messaging and insufficient information</i> • <i>Training is conducted in a language personnel do not understand</i>
<input type="checkbox"/>	<p>Trainers</p> <ul style="list-style-type: none"> • Trainer qualifications • Language capability • Whether the training is conducted by company staff or is outsourced <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Labor recruiters charge training fees to personnel</i> • <i>Personnel are required to post a training bond (can result in personnel being unable to terminate their contract freely)</i>

3. ASSESSMENT AREA: COMPENSATION AND BENEFITS

Compensation and benefits can be a factor in the risks of human trafficking as a recruiter’s wage practices may result in personnel being bound to a job. Specific practices that should be evaluated include underpayment of wages, delayed payment or withholding of wages, and unauthorized deductions. An assessment will help companies determine if personnel are paid the wage rate that was promised; if their wages are paid in the manner to which the personnel agreed; and if personnel are able to terminate their employment without sacrificing pay for hours previously worked or incurring other financial penalties. If deductions or withholdings are made from personnel pay, an assessment will help companies determine if the deductions are

required or allowed by law, and, if not, whether the practice could result in human trafficking.

Information to Collect	
<input type="checkbox"/>	Legal minimum wage or collective bargaining agreement wage applicable to the worksite or mission
<input type="checkbox"/>	Legal requirements on wages and benefits, including overtime pay, holidays, leave, and social insurance
<input type="checkbox"/>	Benefits provided
<input type="checkbox"/>	Copies of payroll documents, time-cards, pay slips <i>Common Risk/Red Flags:</i> <ul style="list-style-type: none"> • <i>No pay slips are provided</i> • <i>Pay slips are inaccurate or do not contain critical information about how wages are calculated</i> • <i>Pay slips are not provided in a language personnel understand</i> • <i>Personnel pay slips do not correspond to records provided by the employer or recruiter</i>
<input type="checkbox"/>	Pay practices: <ul style="list-style-type: none"> • Method of paying wages • Forms of wage payments (cash, deposit in worker’s bank account, etc.) • List of who has access to personnel payroll bank accounts • Details of payroll period and cycle • Pay dates (number of days elapsed from last day of payroll period to pay day) <i>Common Risk/Red Flags:</i> <ul style="list-style-type: none"> • <i>Labor recruiters or employers have access to personnel bank accounts</i> • <i>Underpayment or delayed payment of wages</i> • <i>Personnel have not signed to acknowledge receipt of earnings</i>
<input type="checkbox"/>	Pay structure: <ul style="list-style-type: none"> • Basic pay rate • Overtime rates and other non-regular rates (holiday, rest day, etc.) • Whether cash allowances or advances are given • Whether piece-rates or quota systems are used and their terms • Structure and terms of any bonus system • Structure and terms of any share system <i>Common Risk/Red Flag: Underpayment or delayed payment of wages</i>
<input type="checkbox"/>	Pay deductions:

	<ul style="list-style-type: none"> • Legally mandated deductions (e.g. social insurance premiums) • List of deductions taken in practice • Details of any savings program implemented; in particular, whether savings programs are mandatory and who controls access to personnel accounts
	<p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Evidence of illegal deductions</i> • <i>Evidence of forced savings programs</i>
<input type="checkbox"/>	<p>Worker interviews to verify if worker understands wage and benefit structure</p>
	<p><i>Common Risk/Red Flag: Personnel are uninformed or misinformed about wage rates and deductions</i></p>

4. ASSESSMENT AREA: LOANS, DEPOSITS, AND DEDUCTIONS

To obtain a clear picture of the vulnerability of the workforce to human trafficking, companies will want a full accounting of all loans, deposits, and deductions to which migrant personnel are subject. To determine worker vulnerability, companies must understand the purpose, legality, and methods of levy for each of the fees, deposits, and deductions. In addition, companies will need to know how personnel repay these fees, and whether repayment schemes restrict personnel’s ability to terminate their employment.

Information to Collect	
<input type="checkbox"/>	<ul style="list-style-type: none"> • Evidence of fees and loan payments to recruiters • Do personnel owe money to recruiters at any point in the employment cycle? • What is the purpose of any loans or advances? • What is the schedule of payments? • What are the terms of repayment (interest rate, number of payments, percentage of wages)? • What is the fee schedule or line items for the fees (for example, food, housing, local transportation)? • What out-of-pocket payments is the worker required to make to the facility or recruiter?
	<p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Personnel are charged fees by recruiters for on-site services and management (i.e., payroll processing fee)</i>

	<ul style="list-style-type: none"> • Personnel are induced or encouraged to take loans or advances from the recruiter at excessive interest rates or unreasonable terms of payment • Personnel are ill-informed about the terms or the full amount of loans • Automatic deductions for loan payments are made against personnel's salary
<input type="checkbox"/>	<p>Evidence of deposits, bonds and savings</p> <ul style="list-style-type: none"> • Is there a security bond or deposit? • What is the schedule of payments? • What are the terms of payment? • What are the terms for returning savings to personnel? <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • Personnel are required to lodge deposits or post bonds pre-deployment and/or during employment
<input type="checkbox"/>	<p>Evidence of recruiter- or company-managed savings</p> <ul style="list-style-type: none"> • Where are the savings kept or deposited? If in a bank account, who has access? Is it an ATM account or bank book account? Who keeps the ATM card? Who keeps the bank book? • Has the personnel given consent for savings? If so, how? • Do personnel have unrestricted access to their savings? • What are the terms for returning savings to personnel? <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • Personnel do not give informed consent for any savings program • Personnel do not have access to earnings or bank account at any point
<input type="checkbox"/>	<p>Evidence of wage deductions</p> <ul style="list-style-type: none"> • Listing of all deductions from wages (i.e., disciplinary penalties and fines, meals, housing, uniforms, tools, personal protective equipment) • Are all pay deductions recorded in pay slips? • What is worker's net pay as reflected in pay slip versus pay deposited in worker's account? • If final deductions are taken, are they recorded? <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • Personnel are ill-informed about the terms or the full amount of deductions • Automatic deductions for loan payments are made against personnel salary • Personnel (or their families) are provided with cash advances and in-kind supplies, the value of which is deducted from their pay at high interest
<input type="checkbox"/>	Documentation of payments, including copies of proof of payment for any payments by personnel

5. ASSESSMENT AREA: ACCOMMODATION

Companies will want to know the full details of the housing provided to migrant security personnel, both during the recruitment process and once personnel arrive at work, especially if these personnel have no choice but to rely on the labor recruiter to secure their housing or if they live in housing provided by a labor supplier who is their employer.

Companies should check if the recruiter, labor supplier, or subcontractor has implemented a housing plan; that the housing provided to personnel meets local housing and safety standards, is comfortable, safe, and secure; and whether personnel can freely enter or leave the premises. Companies need to check the house or dormitory rules and regulations, and whether there are unreasonable restrictions on personnel freedom of movement.

The assessment should also include who is managing accommodations, what their specific functional tasks are, and if they are properly trained or equipped to fulfill the task. The related expenses, if the accommodations are not provided for free, should also be examined. Companies need to know how much is charged, how payments are collected, and whether these are reasonable rates. The charge to personnel for employer-provided or -arranged housing should not exceed the rate for similar housing in the local area.

Information to Collect	
<input type="checkbox"/>	<p>Management/oversight information</p> <ul style="list-style-type: none"> • Who is the manager of living quarters? • Who bears the overhead expenses of the accommodations? • Are there accommodation inspection and maintenance procedures to ensure compliance with applicable health and safety and housing standards? • What are the rules for leaving and entering the living quarters, including any restrictions on a worker’s ability to freely enter and exit housing? • What are other housing security procedures? • What are the rules while in recruiter-provided or arranged housing? <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Curfews are implemented in provided housing and personnel are unable to enter or leave the premises freely</i> • <i>Personnel must make cash deposits or turn over their identity documents in order to leave their accommodation during non-working hours</i>

	<ul style="list-style-type: none"> • <i>There are penalties for staying out, or for not returning to the dormitory or housing facility at a designated time</i> • <i>Gates are closed/locked at designated times</i> • <i>Security personnel are instructed to restrict personnel from leaving or entering the accommodation</i>
<input type="checkbox"/>	<p>Conditions of accommodation information</p> <ul style="list-style-type: none"> • Number of personnel per sleeping room • Amount of personal space per worker • Availability of individual locked storage for identity documents and other personal valuables • Adequacy of light, heat, and ventilation • Description of toilet and shower facilities • Housekeeping and hygiene practices <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Worker accommodation and business operations are in the same building (i.e., production, processing, warehousing, etc.)</i> • <i>Accommodations are in visibly poor physical condition, poorly maintained, dangerous, or unsanitary</i> • <i>Personnel on different work shifts share the same bed</i>
<input type="checkbox"/>	<p>Safety information</p> <ul style="list-style-type: none"> • Structural integrity • Adequacy of exit facilities (number, location, and accessibility of exits) • Smoke and heat detection, fire alarms, and emergency lighting • Emergency preparedness procedures, including records of evacuation drills • Whether personnel feel safe and secure in provided housing <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>The company or recruiter has not addressed worker-reported unsafe, unsanitary, or dangerous conditions</i>
<input type="checkbox"/>	<p>Cost information</p> <ul style="list-style-type: none"> • Cost of provided housing to personnel • Market rate of similar housing in area <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Costs of provided housing are outside of prevailing market rates for similar accommodation</i> • <i>Costs of provided housing contribute to worker debt</i>
<p>General Common Risk/Red Flags:</p> <ul style="list-style-type: none"> • Personnel do not have a choice of accommodations (unless required by law) • Recruiters require personnel to stay in recruiter-controlled housing facilities 	

- Personnel report living in labor camps in transit countries while en route to their final destination and location of employment

6. DISCIPLINE AND TERMINATION

Disciplinary procedures – whether from the facility or recruiter – should be based on a clear set of rules and regulations that apply to all workers, regardless of employment status, or nationality and should include the right to due process. The process for termination should be legal and fair. Workers should be able to refuse overtime, for example, without fearing early termination of their contract. Further, conditions for voluntary termination of the contract should not be so prohibitive that workers are unable to leave a job.

Information to Collect	
<input type="checkbox"/>	<p>Disciplinary Process</p> <ul style="list-style-type: none"> • What are the workplace rules and regulations or code of discipline? • Are there categories of misconduct? <ul style="list-style-type: none"> ○ Which misconduct is subject to a series of warnings? ○ Which is subject to immediate termination? • What is the procedure for investigating reports of disciplinary violations? • How are workers notified of a disciplinary citation? • What processes are in place for workers to appeal or challenge a disciplinary action? • What are the disciplinary actions taken by management? • Are escalating warnings issued to workers in response to behavior or performance issues? • What records are kept of disciplinary proceedings; • What are the terms and conditions to terminate an employment contract? <ul style="list-style-type: none"> ○ What are the penalties for not completing the contract? ○ What is the process for clearing a resigned or terminated worker? • When are resigned or terminated workers paid their last wages? • What kind of training and education is provided on the facility disciplinary process? • How are managers and supervisors trained on the disciplinary procedures? • How are workers trained on discipline policy?
	<p><i>Common Risk/Red Flags:</i></p>

	<ul style="list-style-type: none"> • <i>Managers and supervisors are not adequately trained to implement the company's disciplinary policy;</i> • <i>Workers are not aware of the company's policy on discipline;</i> • <i>Workers are not aware of performance objectives and the parameters against which they are evaluated;</i> • <i>Management does not document disciplinary proceedings;</i> • <i>Punitive deductions, unpaid work or forced overtime are a part of disciplinary measures; or</i> • <i>There are penalties for early contract termination.</i>
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7. ASSESSMENT AREA: PERSONAL IDENTITY DOCUMENTATION

It is critical to determine whether the recruiter holds personnel's original personal identity or immigration documents, such as passports, permits, and visas. Without access to such documents, personnel are effectively bound to the worksite. These documents should be held only:

- for the time required to process the worker's immigration documentation, and
- in those few countries where it is required by law (in such cases, personnel should have unrestricted access to them)

As a general practice, personnel should be in possession of their own documents and be provided with individual locked storage space to which they have unencumbered access.

The key question to consider is whether practices around worker documentation retention create situations where the personnel's freedom of movement or ability to voluntarily terminate an employment agreement are restricted. It is important to ensure that migrant security personnel employed on army bases in active conflict zones have the necessary visas and documentation to legally work on the base.

Information to Collect	
<input type="checkbox"/>	<p>Document requirements when applying for the job.</p> <ul style="list-style-type: none"> • Are personnel required to submit original documents or photocopies? <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Personnel are required to surrender their passports and other key documents to the recruiter or employer as a condition of employment</i> • <i>Personnel are misinformed about their right to secure their own documents</i>

<input type="checkbox"/>	<p>Location of all personal documents.</p> <ul style="list-style-type: none"> • Are they in the possession of the worker, the recruiter, or the employer? • How are they stored? • Do personnel keep them in personal, locked storage or are they stored by the recruiter, employer or accommodation manager? • If documents are stored by the employer, recruiter or accommodation manager, what is the process and timeline for personnel to access them? <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Passports are taken from personnel for safekeeping, and personnel are made to sign a waiver indicating their consent</i> • <i>Personnel are required to post a bond or pay a deposit to retrieve passports</i> • <i>Personnel are required to provide their passports as a deposit in order to leave their accommodation during non-working hours</i> • <i>Personnel are not provided means to secure their own documents</i> • <i>Personnel do not have any access to personal documents</i> • <i>Personnel report that their ability to move freely or terminate their employment has been limited by their inability to access their documents in a timely fashion</i>
<input type="checkbox"/>	<p>Determine if employer or recruiter is required by law to keep personnel travel and work documents and the process for personnel to access those documents</p> <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Personnel are required to post a bond or pay a deposit to retrieve passports</i> • <i>Personnel do not have any access to personal documents</i>
<input type="checkbox"/>	<p>Determine whether personnel have access to their personal documents</p> <p><i>Common Risk/Red Flags:</i></p> <ul style="list-style-type: none"> • <i>Personnel do not have any access to personal documents</i>