



RESPONSIBLE SOURCING TOOL

Construction Industry | Tool 2

PROTECTIONS AGAINST TRAFFICKING IN PERSONS AND RELATED HUMAN RIGHTS ABUSES

Sample Code of Conduct Provisions for the Construction Industry

A supply chain Code of Conduct establishes basic performance expectations for suppliers, agents, and subcontractors. It is important that your company sourcing policy or Code of Conduct explicitly prohibits forced labor¹ and related human rights abuses and sets out clear protections for workers. The sample provisions below can be used by construction companies and for the management of their materials suppliers, on-site sub-contractors, services providers, and labor agents.

These sample Code provisions address factors that enable or contribute to situations or risks of forced labor but are not intended to ensure compliance with specific legal requirements, such as those in the U.S. Federal Acquisition Regulation (FAR): Combating Trafficking in Persons.² Specific compliance requirements should be detailed in the terms and conditions of contracts with suppliers. For example, contract clauses refer to the Model Contract Clauses prepared by the American Bar Association.³

The guidance in this document, and other tools for the construction industry, has been designed to align with both international and voluntary standards, such as the Fundamental Principles and Rights at Work⁴ of the International Labour Organization (ILO), which is the UN agency that sets internationally recognized labor standards, the UN Guiding Principles on Business and Human Rights,⁵ and the OECD Due Diligence Guidance

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

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

³ Balancing Buyer and Supplier Responsibilities - Model Contract Clauses to Protect Workers in International Supply Chains, Version 2.0, American Bar Association, 2021: https://www.americanbar.org/content/dam/aba/administrative/human_rights/contractual-clauses-project/mccs-full-report.pdf

⁴ ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION)

⁵ UN Guiding Principles on Business and Human Rights

for Responsible Business Conduct).⁶ For more information on international frameworks and voluntary certification standards relevant to forced labor in all sectors, see Tool 4. The risk of forced labor and other labor abuses significantly increases in the upstream tiers of the materials and labor supply chain; therefore, construction companies should cascade and enforce their Code of Conduct throughout each tier.

This Supplier Code of Conduct articulates the [Company Name] Company's expectations for the conduct of suppliers, agents, subcontractors, and other business partners providing materials, goods, and services to [Company Name]. This Code is based on our commitment to responsible business conduct and aligns with the principles of the United Nations Global Compact. Suppliers are expected to understand and act consistent with [Company Name]'s approach to respect for human rights, responsible sourcing, and supply chain due diligence. This Code applies to all suppliers at all tiers within the [Company Name] Company's supply chains and [Company Name] expects its direct suppliers to communicate and enforce these expectations through their own supply chains.

HUMAN TRAFFICKING, INCLUDING FORCED LABOR

[Company Name] strictly prohibits forced labor in all our operations and in those of all suppliers, subcontractors, and agents, at all tiers of our global supply chains.

- Workers shall not be subject to any form of forced, compulsory, bonded, or indentured labor.
- All work must be voluntary, and workers shall have the freedom to terminate their employment at any time without penalty, upon giving reasonable notice.

CHILD LABOR

Child labor is strictly prohibited. Child labor refers to work by any person under the age of 15, **or** under the legal age for completion of compulsory education, **or** under the legal minimum age for employment according to national law, whichever is higher.

⁶ [OECD Due Diligence Guidance for Responsible Business Conduct - OECD](#)

- No worker under the age of 18 may be hired for tasks that are hazardous to the physical, emotional, or intellectual development of the child, including night shifts, overtime work, and working with hazardous materials and equipment.

RECRUITMENT FEES AND TRANSPORTATION EXPENSES

- Workers shall not be charged any fees or costs for recruitment as defined by the ILO⁷, directly or indirectly, in whole or in part, including costs associated with travel to the country of destination and processing official job-related documents and work visas in both origin and destination countries.
- Workers shall be provided with return transportation to their country of origin or compensation for the cost of return transportation to their country of origin upon completion of their employment contract.

HEALTH, SAFETY, AND WELLBEING

Employers shall ensure that their workers are provided with safe and hygienic working and living environments in accordance with prevailing industry standards and legal requirements. This means:

- Accidents and incidents are prevented by the identification, evaluation, and control of health and safety hazards associated both with the employer's operations and place(s) of work.
- Health and safety hazards are controlled following the control hierarchy of elimination, substitution, engineering controls, and administrative controls.
- Suitable personal protective equipment is provided and used when hazards cannot be adequately controlled by other means.
- Workers are trained on general health and safety issues and procedures and on the specific hazards associated with their jobs and those present in the place of work.

⁷ [Fair recruitment initiative: General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs \(ilo.org\)](#)

- Emergency preparedness and response plans are established to address likely emergency situations.
- Appropriate first aid and subsequent medical treatment is provided to injured or ill workers in order to allow them to effectively recover from their injuries and illnesses and return them to their original job assignments.
- Worker exposure to chemical, biological, and physical agents is routinely evaluated and controlled to prevent occupational disease.
- Worker accommodation and food storage, preparation, and dining areas are clean, safe, and hygienic.

CONTRACTS OF EMPLOYMENT

- Written contracts of employment will be provided to workers in their native language or a language the workers understand, clearly indicating their rights, responsibilities, and conditions of employment, including wages and rates of pay, benefits, working hours, locations of the work, transportation to and from work site (if applicable), living conditions, housing and associated costs, work-related hazards, and other working and employment conditions.
- Migrant workers shall be provided with a copy of their employment contract at least five days prior to deployment to give them ample opportunity to review the terms and conditions of employment before accepting the job offer and signing the contract.
- If construction site workers are employed as day laborers, the conditions of the day's job will be clearly communicated to them in a language they understand each day before beginning the work.
- Workers with difficulty understanding the written contract shall be provided with a verbal explanation of the contract's terms and conditions.
- The practice of contract substitution or use of supplemental agreements by the employer to replace an original contract or any of its provisions with a new contract or terms that are less favorable to the worker is strictly prohibited.

- The required notice period for workers to terminate their contracts before the contracted end date shall not exceed one month or as specified by local law, whichever is shortest. Workers shall not be penalized for early termination of their employment contract upon giving the required notice.
- The notice period shall be waived for situations in which the worker has suffered harassment or abuse, or other forms of severe labor rights abuse, or is a victim of forced labor. In this case, the employer shall still be responsible for paying the cost of return transportation to the country of origin for the affected worker.

RETENTION OF PERSONAL DOCUMENTS

- Confiscating, destroying, withholding, or otherwise denying workers' access to their identity or immigration documents, including work permits and travel documentation (e.g., passports), is strictly prohibited.
- Employers and labor agents may only retain possession of worker's documents for the purposes of applying for or renewing work visas and other legal documents, but only for the time it takes to process such documents.
- Workers must be in possession of their personal documents at all times or provided with individual, secure, and lockable storage for their identification documents and other valuables or equivalent system that ensures their documents are immediately accessible to them at any time.

BONDS, DEPOSITS and FORCED SAVINGS

- Workers shall not be required to post bonds, lodge monetary deposits, make security payments, or have any portion of their pay withheld at any time as a condition of obtaining or retaining employment.
- Workers shall not be required to participate in savings programs. If a worker voluntarily participates in a savings program, the worker will retain full control of his or her account at all times.
- Workers shall not be held in debt bondage or forced to work in order to pay off a debt.

HUMANE TREATMENT

- The workplace shall be free of any form of harsh or inhumane treatment.
- Disciplinary policies and procedures shall be clearly defined and communicated to all workers and shall not include any inhumane disciplinary measures, including corporal punishment, mental or physical coercion, or verbal abuse of workers.
- The use or threat of physical or sexual violence, harassment, or intimidation against a worker, his or her family, or close associates, is strictly prohibited.
- Migrant workers and their family members shall not be threatened with denunciation to authorities as coercion to take or maintain employment.
- Disciplinary procedures shall not include wage deductions, reductions in benefits, ineligibility for bonuses and overtime, or compulsory labor.

WORKPLACE EQUALITY

- All workers, irrespective of their nationality, ethnicity, race, gender, gender identity, or legal status, shall be treated fairly and equally.
- Terms and conditions of work for migrant workers shall be no less favorable than those provided country nationals, including but not limited to wages, benefits, and accommodations.

WAGES AND BENEFITS

- All workers shall be paid at least the minimum wage required by applicable law for all hours worked and shall be provided with all legally mandated benefits. Where there is no legal minimum wage, workers will be paid at least the industry prevailing wage for the location of work.
- Wage payments shall be made at regular intervals and directly to workers in cash or by direct deposit to their bank accounts, and no portion of their wages shall be delayed, deferred, or withheld.

- Only deductions, advances, and loans authorized by national law are permitted and, if made or provided, shall only be taken with the full consent and understanding of workers.
- Information shall be provided to workers at the time of their hire about hours worked, rates of pay, frequency of wage payments, and the calculation of legal deductions.
- If wages are based on production quotas or piece rates, the pay rate shall allow workers to earn at least minimum wage within the normal working hours without having to work overtime or unpaid extra hours.
- All workers must retain complete control over their earnings and bank accounts.

WORKING HOURS

- Workers shall not be required to work more than the number of hours permitted by national law. Where the law is silent, normal working hours shall not exceed eight hours per day and 48 hours per week, and total working hours including overtime shall not exceed 60 per week.
- All overtime shall be purely voluntary, including overtime work, unless part of a legally recognized collective bargaining agreement. No worker shall be made to work overtime under the threat of penalty, dismissal, or denunciation to authorities. No worker shall be made to work overtime as a disciplinary measure, or for failure to meet quotas.
- All workers shall be given at least one full day of rest (24 continuous hours) after every six days of work.
- Mandatory meetings, trainings, or other required activities that occur before, during, or after normal working hours, shall be compensated as time worked.

FREEDOM OF MOVEMENT AND PERSONAL FREEDOM

- Workers' freedom of movement shall not be unreasonably restricted.

- Workers shall have unrestricted access to basic necessities such as potable drinking water and toilets during both working and non-working hours at the work site or in employer or recruiter-provided or arranged housing.
- Workers shall not be physically confined to the workplace or employer or recruiter-operated residences; nor shall any other coercive means be used to restrict workers' freedom of movement or personal freedom.
- Mandatory residence in employer-provided or arranged facilities shall not be made a condition of employment unless required by law.
- Migrant workers may change employers without requiring permission from their employer or, if applicable, their recruiter, subject to restrictions of local law.

GRIEVANCE PROCESS

- Workers shall have access to an effective, confidential grievance process that ensures that any worker, acting individually or with other workers, can submit a grievance without suffering any prejudice or retaliation of any kind.
- The grievance reporting mechanism shall be available to job seekers and workers beginning at the point of recruitment and throughout their employment.
- Workers will be trained on the grievance process, including how to report a grievance, the process for investigating and resolving a grievance, and how they will be kept informed about the progress of their grievance.
- The grievance process shall include an appeals process for workers who disagree with how a grievance is resolved.
- Grievance mechanisms and information shall be available in workers' native language or a language the workers understand.
- Workers shall have access to support, including sources of information, advice and expertise as needed, to overcome any barriers to their use of the grievance procedure.

PRIVATE EMPLOYMENT AGENCIES AND LABOR RECRUITERS

- Workers should be hired directly whenever possible.
- When employers choose to subcontract recruitment and hiring to third parties, the labor agencies engaged must:
 - operate legally;
 - demonstrate that they are certified or licensed by the competent authority in their country of operation;
 - respect labor and human rights;
 - not charge recruitment fees or expenses; and
 - not engage in fraudulent recruitment practices that place workers at risk for forced labor or sexual exploitation.
- The employer shall monitor the performance of agents and recruiters on an ongoing basis to ensure that no deception, fraud and/or coercion in the recruitment, placement, transport, or management of workers takes place.
- The recruitment of workers in one country for employment in another country must respect all applicable international human rights and labor standards and adhere to national laws, regulations, and collective agreements of the origin, transit, and destination countries.
- Workers must be made aware of their rights and responsibilities at the point of recruitment, including the provisions of this Code, and all applicable laws and regulations of their country of origin and the country where the work is performed.

FREEDOM OF ASSOCIATION

- In accordance with national law, workers shall not face retaliation for exercising their right to freely associate or bargain collectively, and employers shall have a policy of neutrality towards these efforts.
- Employers may not ask about union affiliation during the recruitment process.

- When national law prohibits or limits freedom of association and collective bargaining, workers shall have the freedom to form or join alternative worker representative organizations of their choosing.

EMPLOYEE AWARENESS TRAINING

- Workers must be made aware of their rights and responsibilities, both verbally and in writing, at the time of hire, in their native language or a language they understand.
- The information provided to workers must include the provisions of this Code and all applicable laws and regulations of their home country and the country where the work is performed.
- Workers must be trained on the employer's workplace rules and procedures; the grievance process; the housing arrangements (if provided or arranged by the employer); workplace responsibilities and equipment; and the conditions of work, including any health and safety hazards and the precautions needed to ensure personal safety.

HOUSING

- When housing is provided or arranged by an employer or recruiter, it must meet the minimum housing standards set by the local competent authority.
- If no minimum legal housing standards are specified in a particular country, housing provided or arranged by an employer or recruiter must meet the standards specified in the ILO Workers' Housing Recommendation⁸.
- Costs for employer or recruiter provided or arranged housing must be comparable with local market rates and must not create or contribute to worker debt.

⁸ International Labor Organization, Workers' Housing Recommendation, 1961 (No. 115): [Recommendation R115 - Workers' Housing Recommendation, 1961 \(No. 115\) \(ilo.org\)](https://www.ilo.org/public/libdoc/iloorg/1961/115.pdf).