



# RESPONSIBLE SOURCING TOOL

Base Tool 8:  
Sample Supplier and  
Subcontractor Self-  
Assessment

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

### Sample Supplier/Subcontractor Self-Assessment Questionnaire

An important part of a due diligence system approach to prevent forced labor and other supply chain human rights issues is to assess current and prospective suppliers for potential risks. This sample self-assessment tool can help identify potential forced labor risks in how a subcontractor or supplier recruits, selects, and hires workers, the supplier's relationship with labor agents, and how migrant workers are managed. The answer choices for each question are designed to indicate whether the practice meets typical company or industry Supplier Codes of Conduct and applicable legal requirements for the prevention of forced labor and other human rights issues. The self-assessment can be used as a supplier screening tool, to develop corrective action plans, or to establish key performance indicators (KPI's) to track ongoing human rights performance.

For each question, several potential answers are provided some of which represent good management practices (due diligence), while others represent risks to human rights/Code of Conduct compliance. When evaluating how well a supplier is controlling risk, a company needs to look for the presence or absence of good practices and "at risk" practices. No suggested scoring is provided as the severity of a potential risk will depend on such factors as the region and country where the work is performed, worker nationalities, applicable legal requirements, and customer requirements, among other factors. The evaluation guide provided in Appendix 1 can help guide your review of a self-assessment, as well as offer suggestions for providing feedback to suppliers and subcontractors.

*Note: "Supplier" is defined as any entity that directly or indirectly provides goods, materials, and/or services to the company at any supply change tier and any dollar value. This includes services and materials suppliers, contractors, subcontractors, sourcing agents, labor recruiters, and labor agents.*

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

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**Note:** The self-assessment is also an opportunity to collect profile information from suppliers that can be useful in conducting a risk assessment, as is described in Tool 6: Supply Chain Mapping and Risk Assessment. Supplier profile information might include:

- Supplier name
- Supplier headquarters address
- Geographic location of facilities
- Type of product or service supplied or produced
- Number of workers employed
- Number of workers hired via recruitment agents<sup>2</sup>
- Number of workers employed by staffing agencies / labor providers (employment contract holders)
- Seasonality of production or service delivery
- Labor agent (where possible, link agents to individual workers contracted)
  - Name of each labor agent used
  - Contact information
  - Nationality
  - Nationality of workers provided
  - License and/or registration number
- Accommodations

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<sup>2</sup> **Note:** The combination of services provided by third parties to find, place, and/or directly contract labor to work in company owned or supplier operations are varied, as are the terms used by different industry sectors and standards organizations to describe the providers. These include: labor agents, recruiters, recruitment agents, sub-agents, labor providers, private employment agencies (PEAs), staffing agents, manpower agents, brokers, contractors, crew leaders, and gangmasters. For the purposes of these tools, “labor agent” is generally used as the umbrella term, with “recruitment agent” used as a subset.

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Please note that the following sections and questions are samples of what would typically be included in a supplier/subcontractor self-assessment questionnaire; they are not intended to be completed electronically.

**Part 1: Recruitment, Selection, and Hiring**

This section looks at your policies and practices for recruiting, selecting and hiring workers. It includes direct hiring, hiring through labor agents, hiring of contract and temporary employees, and guest worker visa programs for companies operating in the U.S.

*Note: Please use the "Additional Information" section to explain your answers or to describe a practice that is not among the list of choices.*

**Q1.1 Which of the following are included in your company's recruitment policy? (Select all that apply.)**

- Non-discrimination
- Workers do not pay recruitment fees
- All workers are provided with detailed contracts of employment
- No underage labor (below the minimum legal working age)
- Equal compensation for men and women doing the same job
- Compliance with legal requirements
- We have no formal recruitment, selection, and hiring policies
- Additional information \_\_\_\_\_

**Q1.2 How do you make sure that your policy requirements are followed? (Select all that apply.)**

- We follow formal recruitment procedures that meet legal and Code of Conduct requirements.
- Our recruitment procedures are specific for each type of employment arrangement, including temporary and seasonal workers.
- We use objective criteria for selecting the best applicants.

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- We provide all workers with a written employment agreement (contract) that comply with applicable legal and Code of Conduct requirements.
- We routinely survey new hires to verify that our policies were followed.
- Additional information \_\_\_\_\_

**Q1.3 Which of the following are included in your job postings? (Select all that apply.)**

- Job functions and responsibilities
- Statement that no recruitment fees will be charged
- Required knowledge and skills
- Personal characteristics, such as gender, age, marital status, etc.
- Wages and benefits
- Duration of assignment (for temporary and seasonal work)
- Additional Information \_\_\_\_\_

**Q1.4 How does your company recruit, select and hire workers? (Select all that apply.)**

- We directly recruit, select, and hire all workers (full time, part time, temporary and seasonal).
- We use licensed external labor recruiter/agents to recruit and hire workers (you may call them brokers, agents, labor contractors, gangmasters, or crew leaders).
- We use informal external labor recruitment agents to recruit and hire workers.
- We hire some workers directly and use labor recruitment agents for other jobs.
- We hire workers through formal host country guest worker programs.
- Additional Information \_\_\_\_\_

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**Q1.5 How does your company recruit and hire foreign migrant workers? (Select all that apply.)**

- Directly in their country of origin
- Using a legally registered recruitment agent in their country of origin
- Using an informal labor agent in their country of origin
- Through a legally registered recruitment agent in the destination country
- Through an informal recruitment agent in the destination country
- Additional Information \_\_\_\_\_

**Q1.6 What kind of training does your company provide for your staff responsible for recruitment, selection, and hiring? (Select all that apply.)**

- Company policies and procedures on recruitment, selection, and hiring
- Interviewing skills
- Competency-based hiring (use of objective job requirements)
- Applicable legal requirements
- Additional Information \_\_\_\_\_

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**Part 2: Use Of Recruitment and Staffing Agencies**

This section evaluates how your company uses labor agents. Companies may engage labor agents for a range of services, from simply recruiting employees to managing and paying workers on behalf of the company (e.g., staffing agencies.)

*Note: Please use the "Additional Information" section to explain your answers or to describe a practice that is not among the list of choices.*

**Q2.1 How does your company screen your labor agents to determine if they can meet legal and Code of Conduct requirements before you begin using them? (Select all that apply.)**

- We perform formal due diligence screenings of prospective labor agents to determine if their practices conform to company and legal requirements (*Note: Due Diligence includes checking licensing, history of legal violations, management interviews, recruitment agent's internal policies and procedures, determine whether they are able to meet your human rights requirements, etc.*).
- We use formal rating and selection criteria based on our performance requirements.
- We verify that the labor agents are licensed.
- We do not use a formal screening process.
- Additional Information \_\_\_\_\_

**Q2.2 What formal performance requirements does your company have for your recruitment agents? (Select all that apply.)**

- We require the labor recruiter/agent to agree to comply with our responsible recruitment and human rights performance standards and all legal requirements.
- We require the recruitment agent to comply with legal requirements only.
- All labor recruitment agents must pass an external audit before we engage with them.
- Failure to meet our human rights performance requirements can result in contract termination
- We do not have formal contracts or service agreements with our recruitment agents.

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Additional Information \_\_\_\_\_

**Q2.3 How do you evaluate your labor agents' ongoing performance in meeting both human rights (or Code of Conduct) and applicable legal requirements? (Select all the apply.)**

We measure their performance on a continual basis using key performance indicators (KPIs).

We conduct regular audits of their operations.

Labor agents provide us with regular self-assessments of their compliance status.

We hold regular business review meetings with labor agents to discuss their performance.

We do not have a formal process to evaluate our labor agents' legal and Code compliance.

Additional Information \_\_\_\_\_

**Q2.4 Which of the following are included in your labor agent audit process? (Select all that apply.)**

Documented audit procedure and tools

Auditors are formally trained to conduct labor agent audits

Gathering information from workers through interviews and/or surveys

Evaluation of fees and expenses paid by the workers and labor agents

Formal corrective action planning process to remediate identified issues

Additional Information \_\_\_\_\_

**Q2.5 How do you ensure that labor agents correct the issues identified by audits, self-audits, and other evaluations? (Select all that apply.)**

Labor agents are required to provide regular improvement action status updates.

Follow-up audits to verify that corrective actions have been fully implemented.

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- Labor agents are required to track and report key performance indicators (KPIs) to measure performance improvement.
- Additional Information \_\_\_\_\_

**Q2.6 How do you communicate your staffing requirements (hiring needs) to your labor agent(s)?**

- We provide a demand letter with written job descriptions based on job duties and required skills.
- We instruct them on how to evaluate a job candidate's qualifications (job skills and knowledge).
- We provide general guidance on skill requirements, as well as the number and categories of workers needed.
- We only tell them the number and categories of workers needed.
- We tell them the time by which we need the workers.
- Additional Information \_\_\_\_\_

**Q2.7 Do you or your labor agents recruit workers from other countries (foreign migrant workers, guest workers, etc.)?**

- Yes
- No

**Q2.8 Do you or your local (destination country) labor agent or work with recruiters or agents in the countries where workers are recruited (origin countries)?**

- Yes
- No
- If no, please explain \_\_\_\_\_



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**Q2.9 How do you determine that recruiters and agents in countries of origin can meet both human rights and legal requirements? (Select all that apply.)**

- Our company performs formal due diligence assessments of all origin country recruiters and agents.
- Destination country recruitment agents screen the origin country recruiters and agents.
- Origin country recruiters and agents must provide a valid government-issued license.
- Human rights / Code of Conduct requirements are contained in the contracts with origin country agents.
- We have no process to screen origin country recruitment agents.
- Additional Information \_\_\_\_\_

**Q2.9 How do you determine that recruiters and agents in countries of origin can meet both human rights and legal requirements? (Select all that apply.)**

- Our company performs formal due diligence assessments of all origin country recruiters and agents.
- Destination country recruitment agents screen the origin country recruiters and agents.
- Origin country recruiters and agents must provide a valid government-issued license.
- Human rights / Code of Conduct requirements are contained in the contracts with origin country agents.
- Additional Information \_\_\_\_\_

**Q2.10 How do you monitor the human rights and legal compliance performance of origin country recruiters and agents? (Select all that apply.)**

- Our company performs on-site audits of origin country recruiters and agents.
- Our recruitment agent(s) perform audits of origin country recruiters and agents.
- We routinely interview or survey a sample of newly arrived migrant workers to verify that origin country recruiters and agents are conforming to legal and company requirements.

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- We do not formally monitor the legal or Code of Conduct compliance performance of origin country recruiters and agents.
- Additional Information \_\_\_\_\_

**Q2.11 How much do workers pay your company or the recruitment agent (in either the destination or country of origin) to get a job with your company? (Select all that apply.)**

- Workers are not required to pay fees or deposits of any kind.
- Workers pay only what is legally required in the country of origin.
- Workers pay only what is legally required in the destination country.
- Our company policies specify the maximum amount workers are required to pay.
- Workers pay what is legally allowable in the origin or destination country.
- Additional Information \_\_\_\_\_
- I don't know.

**Q2.12 What types of fees and expenses are foreign workers required to pay? (Select all that apply.)**

- Transportation and lodging from the place of recruitment to the origin country departure point
- Transportation to the destination country (for the job)
- Transportation home upon completion of their contract
- Transportation home for voluntary early contract termination
- Document processing (for example: work permit, visa)
- Job application fee
- Medical examination and/or testing
- Skills testing

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- Workers do not pay any recruitment fees or other expenses
- Additional Information \_\_\_\_\_

**Q2.13 How do the origin country recruitment agents or your local (destination country) labor agents screen job applicants? (Select all that apply.)**

- They use objective criteria and tools based on the written job descriptions.
- They use their own judgment to decide which candidates can do the job.
- They choose workers who have been prescreened by a local government labor/jobs office.
- An employee of my company screens applicants identified by the recruitment agent(s).
- Additional Information \_\_\_\_\_

**Q2.14 Who makes the final selection of which applicants to hire?**

- An employee of my company in the origin country (where the worker is from)
- The origin country recruiter or agent
- An employee of my company in the destination country (where the work will be performed)
- Our local (destination country) labor recruitment agent(s)
- Additional Information \_\_\_\_\_

**Q2.15 How do you verify that foreign migrants can legally work in the destination country? (Select all that apply.)**

- An employee of my company (either in the origin or destination country) reviews all legally required documents before the candidate is hired.
- Our local (destination country) labor recruitment agent is responsible for obtaining and verifying the necessary documentation.

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- The origin country recruitment agent is responsible for obtaining and verifying the necessary documentation.
- We review documents of a sample of newly hired migrant workers when they arrive for work.
- Additional Information \_\_\_\_\_

**Q2.16 When are workers provided with an explanation of their job duties and terms and conditions of employment? (Select all that apply.)**

- In their home (origin) country, before signing the employment contract
- In their home (origin) country, after signing the employment contract
- After arrival in the destination country, before signing the employment contract
- In the destination country, after signing the employment contract
- Additional Information \_\_\_\_\_

**Q2.17 How does your company ensure that workers understand all the terms and conditions of their employment contract? (Select all that apply.)**

- Terms and conditions are explained to them verbally in their native language or a language the worker understands.
- The contract is written in their native language or a language the worker understands.
- Workers are given a copy of the contract written in their native language or a language the workers understand.
- Contract terms and conditions are covered in pre-departure training.
- Contract terms and conditions are covered in arrival training/orientation.
- Additional Information \_\_\_\_\_

**Q2.18 The worker signs an employment contract with:**

- Our in-country recruitment agent.

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- Both the recruiter or agent in the country of origin and our in-country recruitment agent.
- Both my company and our in-country recruitment agent.
- My company only.
- Another employer.
- We do not use employment contracts.
- Additional Information \_\_\_\_\_

**Q2.19 What is included in the employment contract? (Select all that apply.)**

- Job duties and responsibilities
- Wages (regular and overtime)
- Prohibition against charging recruitment fees
- Benefits (social insurance, sick leave, vacation, etc.)
- Hours of work (including overtime)
- List of legal deductions from wages (food, accommodation, etc.)
- Workplace rules
- Workplace hazards
- Location of work
- Roundtrip transportation arrangements
- Discipline procedure
- Grievance procedure
- Terms and conditions of housing

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- Job-related local and national legal requirements
- Our company's employment policies
- Notice period and terms for early contract termination
- Additional Information \_\_\_\_\_

**Q2.20 Can workers cancel their employment contracts before they leave their home (origin) country?**

- Yes, and with no financial penalty.
- Yes, but they have to pay a cancellation fee.
- No, they must work for the term of their contract.
- Additional Information \_\_\_\_\_

**Q2.21 When are workers given a copy of their employment contract?**

- At least five days before departure from the country of origin
- Less than five days before departure from the country of origin
- Upon arrival in the destination country (location of work)
- Workers are not given copies of their contracts.
- Additional Information \_\_\_\_\_

**Q2.22 What kind of training do foreign migrants receive before they leave their country of origin for work at your company?**

- Pre-departure training provided by an employee of our company that covers the contents of their employment contracts, legal requirements, and company policies
- Pre-departure training designed and delivered by the destination country recruitment agent
- Pre-departure training designed and delivered by the origin country labor agent

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- Workers do not receive pre-departure training.
- Additional Information \_\_\_\_\_

**Part 3: Management Of Migrant Workers**

This section examines workplace policies, practices and procedures used to manage migrant workers at your workplace, your client's facility or other worksite, such as farms or warehouses.

*Note: Please use the "Additional Information" section to explain your answers or to describe a practice that is not among the list of choices.*

**Q3.1 Are there migrant workers\* at your company?**

*[\*Note: "migrants" include both foreign and domestic migrants that are either directly employed by your company or work for a labor agent or agency (e.g., staffing agency.)]*

- Yes
- No

**Q3.2 Who is responsible for coordinating and processing migrant worker documentation when they arrive for work?**

- An employee of my company
- The recruiter/ or labor agent
- Another employer (factory, farm, etc.)
- Additional Information \_\_\_\_\_

**Q3.3 How does your company and/or your labor agent manage migrant worker identity documents (passports, visas, work permits, proof of age, etc.)? (Select all that apply.)**

- We keep only photocopies of identity documents, and the worker keeps the originals in his or her possession.
- Workers are provided with individual locked storage for their identity documents.

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- Workers are required to turn in their documents to the company or the recruitment or labor agent for safekeeping.
- Workers voluntarily have the company, or the recruitment or labor agent hold their documents for safekeeping.
- The company, recruitment agent or labor agent keeps the documents; however, workers can retrieve them at any time without delay.
- Workers can retrieve their documents when they intend to return to their home country for a visit or when their contract term is over.
- Additional Information \_\_\_\_\_

**Q3.4 What is included in the orientation program for new migrant workers when they arrive for work at your facility? (Select all that apply.)**

- Company employment policies and procedures
- Legal rights and responsibilities of workers
- Facilities provided for workers to securely store their passports and other identity documents
- Rights of workers described in our company's human rights policy or Code of Conduct
- Worker feedback and communication procedures, including grievance procedures
- Discipline and termination rules and procedures
- Workplace health and safety
- Process for returning home (repatriation)
- Accommodation (housing, dormitory, hostel) rules and procedures
- Ways to report violations of company policies or legal requirements by company staff and other workers
- Ways to report violations of company policies or legal requirements by labor recruiters



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Additional Information \_\_\_\_\_

**Q3.5 How does your company make sure workers understand the information provided in the orientation training program? (Select all that apply.)**

- Workers are given a quiz immediately after the session to test their understanding.
- We survey workers a few days or weeks after the session to see how much knowledge they have retained.
- We provide workers with refresher sessions every year.
- We do not measure learning or understanding.
- Additional Information \_\_\_\_\_

**Q3.6 What basic wage are migrant workers paid? (Select all that apply.)**

- Legal minimum wage
- Wage defined by a legally-recognized collective bargaining agreement
- Same wage as local workers performing the same work
- If there is no legal minimum wage, migrant workers are paid the prevailing industry wage
- Wage is based on job skills and experience
- Wages that meet basic needs (clothing, food and housing) plus a little discretionary income
- Wages are based on piece work (for example, the number of items produced or harvested)
- Additional Information \_\_\_\_\_

**Q3.7 Migrant workers are paid a wage premium for: (Select all that apply.)**

- Overtime work beyond the legally defined number of regular work hours in a day or week
- Work performed on public holidays

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- Work performed on the workers' scheduled day off
- Work performed on weekends
- The adverse wage rate regardless of hours worked
- Additional Information \_\_\_\_\_

**Q3.8 Who provides or arranges for workers' housing?**

- Our company
- Another employer (factory, farm, etc.)
- The worker
- Recruitment or labor agent
- Housing is not provided or arranged for workers
- Additional Information \_\_\_\_\_

**Q3.9 How does your company ensure compliance with local housing and safety standards? (Select all that apply.)**

- The requirement to meet standards is included in recruitment and labor agent contracts.
- Standards are included in leases/contracts with housing owners/managers.
- Local housing and safety standards are clearly posted at the housing and in company offices.
- My company regularly inspects housing for compliance with standards.
- Our recruitment agent, labor agent or third-party housing owner/manager is responsible for performing regular housing inspections and correcting any identified noncompliance.
- There is a mechanism in place for workers to complain about housing conditions without fear of retaliation.
- Additional Information \_\_\_\_\_

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**Q3.10 Describe the type of social insurance and other benefits provided to migrant workers. (Select all that apply.)**

- The same social insurance and benefits provided to local workers
- Work accident insurance
- Government-required social insurance for disability, unemployment, health care, etc.
- Sick leave
- Vacation (annual leave)
- Maternity leave
- Migrant workers are not legally provided with social insurance or other benefits
- Additional Information \_\_\_\_\_

**Q3.11 How do you ensure that migrant workers understand how their wages are calculated? (Select all that apply.)**

- Workers are provided with training on how their pay is calculated.
- Workers are provided with detailed pay slips in their own language or a language they understand.
- Workers are provided with a “key” in their own language that enables them to understand their pay slips.
- There are postings on notice boards that explain how wages are calculated.
- Workers can ask their employer if they have a question.
- Additional Information \_\_\_\_\_

**Q3.12 What kinds of deductions are made from migrant workers’ wages? (Select all that apply.)**

- Food
- Housing

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- Communications (telephone, mail, internet, etc.)
- Transportation to and from the workplace
- Transportation from the origin country
- Return transportation to the origin country
- Recruitment fees
- Visa processing fees
- Fines for breaking rules
- Repayment of loans
- Uniforms
- Tools
- Medical services
- Personal protective equipment (PPE)
- Mandatory savings
- Interest-charged advances for food, housing, communications, etc.
- Government taxes
- There are no deductions from workers' wages
- Additional Information \_\_\_\_\_

**Q3.13 Who pays migrant workers' wages?**

- Our local (in-country) labor agent
- My company

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- Another employer
- Additional Information \_\_\_\_\_

**Q3.14 How are migrant workers paid? (Select all that apply.)**

- Directly in cash
- Directly by company check
- By deposit into the workers' bank accounts
- In cash cards (debit cards)
- Workers are paid a portion of their wages each pay period and the balance at the end of their contract
- Workers are paid in full upon completion of their contract
- Workers are paid in part or in full in non-cash (that is, in kind payment in goods or services)
- Additional Information \_\_\_\_\_

**Q3.15 How many regular work hours do migrant workers work per week?**

- 40
- 48
- Less than 40
- Between 40 and 48
- More than 48
- Additional Information \_\_\_\_\_

**Q3.16 How many overtime hours do migrant workers work per week on average?**

- 12

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- 20
- Less than 12
- Between 12 and 20
- More than 20
- Additional Information \_\_\_\_\_

**Q3.17 Do migrant workers have the right to refuse overtime work without penalty?**

- Yes, all overtime work is strictly voluntary.
- No, migrant worker employment contracts call for a certain amount of overtime.
- No, the collective bargaining agreement specifies the amount of overtime.
- No, all workers are required to work overtime as needed to meet our production targets.
- Additional Information \_\_\_\_\_

**Q3.18 Do migrant workers receive at least one day (24 consecutive hours) off every week?**

- Yes
- No
- If "No," please explain \_\_\_\_\_

**Q3.19 Does your company have a process for migrant workers to report workplace grievances?**

- Yes
- No
- If "No," please explain \_\_\_\_\_

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**Q3.20 Which of the following are part of your company's grievance process for migrant workers? (Select all that apply.)**

- Anonymous reporting channel (for example, a hot line or email address)
- Confidentiality for the worker reporting the grievance
- Protection for workers against intimidation and retaliation
- Formal procedure for grievance resolution
- Communication of grievance status and resolution to workers
- Staff assigned to receive and handle worker grievances speak the workers' language(s)
- Supervisors and managers are trained on how to handle and resolve worker grievances
- The grievance policy and procedure are communicated to all workers
- A grievance mechanism is available to workers in all worksites along the supply chain
- Workers do not have to report grievances to their supervisor or manager of their direct supervisor
- Suggestion boxes
- Appeal process for grievances not resolved to the satisfaction of workers
- Additional Information \_\_\_\_\_

**Q3.21 Can migrant workers directly report a grievance to your company or a third party without having to go through the labor recruiter or labor agent?**

- Yes
- No
- If "No," please explain \_\_\_\_\_

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**Q3.22 Does your company have policies and procedures for discipline and termination of migrant workers?**

- Yes
- No
- If “No,” please explain \_\_\_\_\_

**Q3.23 Which of the following criteria are part of your process for migrant worker discipline and termination? (Select all that apply.)**

- Communication of workplace rules to all workers
- Descriptions of disciplinary actions for violations of workplace rules
- Prohibition of punitive fine or disciplinary wage deductions
- Communication of the violation to the worker
- Opportunity for the worker to respond to a violation
- Evaluation or investigation of the violation and proposed disciplinary action
- Implementation of progressive discipline (from verbal and written warning to suspension and termination)
- Documentation of disciplinary notices in action in personnel files
- Appeals process for workers
- Additional Information \_\_\_\_\_

**Q3.24 How does your company ensure that supervisors and managers understand your migrant worker discipline and termination policy and procedures? (Select all that apply.)**

- All new supervisors and managers receive training on our company's policy and procedures on discipline and termination.
- Supervisors and managers receive refresher training on our policies and procedures on a regular basis.



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- Supervisors and managers are evaluated on how well they implement our discipline and termination procedures.
- We do not train our supervisors or managers on discipline and termination.
- Additional Information \_\_\_\_\_

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**Appendix: Interpretive Guidance for Supplier Self-Assessments**

**Table 1: Recruitment, Selection and Hiring Processes Interpretive Guidance**

Question	Answers with Potential Risk	Interpretive Guidance
<p><b>Q1.1</b></p> <p>Which of the following are included in your company's recruitment, selection and hiring policies?</p>	<p>All of the answer choices are good practices and should be part of a company's hiring policies.</p>	<p><i>The absence of stated company commitments to preventing violation of worker rights in recruitment, selection, and hiring practices presents a risk of human trafficking, discrimination, and child labor, among other issues.</i></p>
<p><b>Q1.2</b></p> <p>How do you make sure that your recruitment, selection, and hiring policies are followed?</p>	<p>All of the available answer choices are good/desirable practices.</p>	<p><i>Companies need to have purely objective methods to select and hire workers. Additionally, companies need some kind of process, such as worker surveys, to monitor the effectiveness of implementation.</i></p>
<p><b>Q1.3</b></p> <p>Which of the following are included in your job descriptions and vacancy announcements?</p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Personal characteristics, such as gender, marital status, etc.</li> </ul>	<p><i>Listing non-job-related characteristics in job descriptions and vacancy announcements is discriminatory and a violation of most legal and Code of Conduct requirements. Additionally, such criteria can eliminate a significant number of qualified job candidates from consideration which may impact the company's ability to meet its business objectives</i></p>

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Question	Answers with Potential Risk	Interpretive Guidance
<p><b>Q1.4</b></p> <p>How does your company recruit, select, and hire workers?</p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• We use external labor agents to recruit and hire workers.</li> <li>• We hire some workers directly and use labor agents for others.</li> <li>• Use of informal brokers</li> </ul>	<p><i>The use of third-party labor agent is a legitimate way for companies with limited internal resources to recruit, select, and hire employees. However, the benefits of outsourcing this function can be offset by the risk of losing control over the hiring process — and of potential issues such as charging recruitment fees and unethical contract terms — unless there is strong oversight of agents practices. Informal agents will be more difficult to monitor and hold accountable to expectations.</i></p>
<p><b>Q1.5</b></p> <p>How do you recruit and hire foreign migrant workers?</p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Using a labor recruiter in their origin country</li> <li>• Through a labor agent in the destination country</li> <li>• Use of informal brokers</li> </ul>	<p><i>As above, the benefits of outsourcing this function can be offset by the risk of losing control over the hiring process — and of potential issues such as charging recruitment fees and unethical contract terms — unless there is strong oversight of recruitment agents’ practices, which is particularly difficult for origin country agents. Informal agents will be more difficult to monitor and hold accountable to expectations.</i></p>

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Question	Answers with Potential Risk	Interpretive Guidance
<p><b>Q1.6</b></p> <p>What kind of training do you provide for company staff responsible for recruitment, selection, and hiring?</p>	<p>Ideally, all answer choices should be in place.</p>	<p><i>If individuals with recruitment, selection and hiring responsibilities are not trained on company and legal requirements and how to objectively interview and select candidates for hire, there is a serious risk of using inconsistent or biased selection criteria, resulting in making the wrong hiring decisions or violating company and legal human rights requirements.</i></p>

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**Table 2: Use of Recruitment and Staffing Agencies Interpretive Guidance**

Question	Answers with Potential Risk	Explanation
<p><b>Q2.1</b></p> <p><b>How do you screen your labor agents to determine if they can meet human rights requirements before you begin using them?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• We do not use a formal screening process.</li> </ul>	<p><i>Just as you need to know that a potential supplier can meet your requirements for price, quality, and delivery, you must also know that they are capable of and willing to meet human rights /Code of Conduct and legal requirements. This can only be done properly using a formal vetting/screening process to identify gaps in a supplier’s management practices.</i></p>
<p><b>Q2.2</b></p> <p><b>What formal performance requirements does your company have for your labor agents?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• We require the recruiter/agent/agent to comply with legal requirements only.</li> <li>• We do not have formal contracts with our labor agents.</li> </ul>	<p><i>If a labor agent is only required to comply with the law, and contracts do not contain explicit human rights performance requirements, there is a risk that agents’ practices will not meet your Code of Conduct requirements.</i></p> <p><i>Without a formal contract, there is a risk that your labor agent will not understand or feel obligated to adhere to your company’s expectations for socially responsible and legal business practices.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.3</b></p> <p><b>How do you evaluate your labor agents’ ongoing performance in meeting both human rights and applicable legal requirements?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>We do not have a formal process to evaluate our agents’ legal and Code compliance</li> </ul>	<p><i>Screening a labor agent to determine their ability to meet your human rights requirements does not guarantee that they will do so over time.</i></p> <p><i>Without a systematic, ongoing performance assessment process you run the serious risk of not being aware of, or not proactively addressing, violations resulting from sub-standard agent practices.</i></p>
<p><b>Q2.4</b></p> <p><b>Which of the following are included in your labor agent audit process?</b></p>	<p>All listed items are part of an effective labor agent audit process.</p>	<p><i>Audits are an essential part of any supplier performance monitoring program, and without such aspects as records reviews and interviews with management and workers, you are unable to identify performance gaps and establish improvement plans.</i></p>
<p><b>Q2.5</b></p> <p><b>How do you ensure that labor agents correct the issues identified by audits, self-audits, and other evaluations?</b></p>	<p>All listed items are part of an effective labor agent audit process.</p>	<p><i>Without a formal process to track and verify closure of audit nonconformance, there is a significant risk that issues will go unresolved and the agent will continue to violate the law and your company’s human rights requirements.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.6</b></p> <p><b>How do you communicate your staffing requirements (hiring needs) to your labor agent(s)?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• We only tell them the number and categories of workers needed.</li> </ul> <p><i>If selected by itself, or in combination with the above answer:</i></p> <ul style="list-style-type: none"> <li>• We tell them the time by which we need the workers.</li> </ul>	<p><i>The risk in only providing the number and general types of workers needed or how soon you need them is that the labor agent may not apply your human rights and job performance expectations in the hiring process. This may result in trafficking, discrimination, child labor, and other unintended human rights outcomes. You may also be provided workers who are not fit to perform the work needed to achieve your business objectives.</i></p>
<p><b>Q2.7</b></p> <p><b>Do you or your labor agents recruit workers from other countries (foreign migrant workers, guest workers, etc.)?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Yes</li> </ul>	<p><i>Recruiting foreign migrant workers is a legitimate business strategy, particularly in areas with local labor shortages or where the skill level of the local workforce is inadequate to meet business needs. However, employing foreign migrants typically means that much of the hiring process may be done in other countries by individuals and organizations over which you may have little control or oversight.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.8</b></p> <p><b>Do you or your local (destination country) labor agents work with recruiters or agents in the countries where workers are recruited (origin countries)?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Yes</li> </ul>	<p><i>Secondary labor recruiters or agents in origin countries are often informal businesses that are unlicensed and unregulated. They may or may not understand your company’s human rights expectations or the legal requirements in their country or yours, which presents the serious risk of human trafficking and other human rights nonconformance.</i></p>
<p><b>Q2.9</b></p> <p><b>How do you determine that labor agents in origin countries can meet both human rights and legal requirements?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Destination country labor agents screen the origin country recruiters and agents</li> <li>• We have no formal process to screen origin country recruiters and agents</li> </ul> <p><i>In addition, the other listed choices should all be part of the supplier’s process for screening origin country agents.</i></p>	<p><i>Because of the often-informal nature of labor recruiting in origin countries, the absence of a thorough screening of origin country recruiter/agents or delegating the responsibility to your destination country labor agent can result in the use of agents that are neither able nor willing to conform to your company human rights expectations or the law.</i></p>



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Question	Answers with Potential Risk	Explanation
<p><b>Q2.10</b></p> <p><b>How do you monitor the human rights and legal compliance performance of origin country recruiters and agents?</b></p>	<p><b>Potential risks:</b></p> <p>We do not formally monitor the legal compliance performance of origin country recruiter/agents.</p> <p>In addition, the other listed choices should all be part of the supplier’s process for monitoring the performance of origin country agents.</p>	<p><i>The recruiter/agents you use in origin countries operate remotely and largely independently. Without monitoring them, you risk illegal or unethical practices going undetected and unaddressed.</i></p>
<p><b>Q2.11</b></p> <p><b>How much do workers pay your company or either the destination country or origin country labor recruiter or agent to get a job with your company?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Workers pay only what is legally required in their home country.</li> <li>• Workers pay only what is legally required in the destination country.</li> <li>• Our company policies specify the maximum amount workers are required to pay.</li> <li>• Workers pay what is legally allowable in the origin or destination country.</li> </ul>	<p><i>Foreign migrants are particularly vulnerable to exploitation, especially as they are often charged illegal and/or excessive fees. The U.S. Federal Acquisition Regulation: Ending Trafficking in Persons (FAR) and many company and industry Codes of Conduct now prohibit charging recruitment fees. Without a company policy prohibiting recruitment fees and controls in place to ensure workers do not pay fees, your company faces a serious risk of using debt-bonded labor (a common form of human trafficking).</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.12</b></p> <p><b>What types of fees and expenses are foreign workers required to pay?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Transportation to the destination country (for the job)</li> <li>• Transportation home upon completion of their contract</li> <li>• Document processing (for example, work permit, visa)</li> <li>• Job application fee</li> <li>• Medical examination and/or testing</li> <li>• Skills testing</li> </ul>	<p><i>In addition to recruitment fees, migrant workers may be charged for transportation and other expenses that labor brokers and employers do not call “recruitment fees.” These expenses are often excessive and illegal and can put workers at risk of debt bondage if they have to borrow money to pay them.</i></p> <p><i>This presents your company with both a reputational and compliance risk.</i></p> <p><i>Your policies and procedures should clearly define the fees and expenses that workers cannot be charged.</i></p>
<p><b>Q2.13</b></p> <p><b>How do the origin country recruiters or your local (destination country) labor agents screen job applicants?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• They use their own judgment to decide which candidates can do the job.</li> </ul>	<p><i>Without clear stated job requirements and selection criteria, the screening process can be unduly influenced by the biases of the individuals doing the screening.</i></p> <p><i>Selection can also be corrupted when recruiters/agents give preference to job seekers who are willing to pay a bribe.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.14</b></p> <p><b>Who makes the final selection of which applicants to hire?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• The origin country recruiter/agent</li> <li>• Our local (destination country) labor agents(s)</li> </ul>	<p><i>The more steps removed from direct control of the hiring process, the greater the risk that inappropriate or improper selection practices will be used, with the risk of not meeting the law and your company’s labor skills and human rights requirements.</i></p>
<p><b>Q2.15</b></p> <p><b>How do you verify that foreign migrants can legally work in the destination country?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Our local (destination country) labor recruiter/agent is responsible for obtaining and verifying the necessary documentation.</li> <li>• The origin country recruiter/agent or agent is responsible for obtaining and verifying the necessary documentation.</li> </ul>	<p><i>Your company is ultimately responsible for the legal status of migrant workers employed in your operations. Origin country agents may not know the legal requirements in your country. Destination (in-country) recruiter/agents may be more concerned with delivering the number of employees your company needs rather than complying with all applicable requirements. To minimize this risk, your company must have a process to ensure the legal status of foreign migrants.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.16</b></p> <p><b>When are workers provided with an explanation of the job duties and terms and conditions of employment?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• In their home country, after they sign the employment contract.</li> <li>• After arrival in the destination country, before they sign the employment contract.</li> <li>• In the destination country, after signing the employment contract.</li> </ul>	<p><i>If new hires are not provided with a thorough, accurate explanation of the terms and conditions of their employment at your company before they sign the employment contract and before they leave their home country, they may find themselves in a job that they did not accept voluntarily — a form of human trafficking.</i></p> <p><i>In addition, your company may be in violation of both legal and Code of Conduct requirements.</i></p>
<p><b>Q2.17</b></p> <p><b>How does your company ensure that workers understand all the terms and conditions of their employment contract?</b></p>	<p>All answer choices should be part of the supplier’s process for ensuring worker understanding.</p>	<p><i>Workers must fully understand the terms and conditions of the job they are about to accept to ensure that they are making the decision voluntarily.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.18</b></p> <p><b>The worker signs an employment contract with _____.</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Our in-country labor agent.</li> <li>• Both the recruiter or agent in their home country and our in-country labor agent.</li> <li>• Both my company and our in-country labor agent.</li> <li>• Another employer.</li> <li>• We do not use employment contracts.</li> </ul>	<p><i>Employment contracts are an essential element in ensuring respect of worker rights and should be part of any employer’s recruitment, selection, and hiring system, regardless of local legal requirements. It is appropriate for workers to sign employment contracts with your in-country labor recruiter/agent if the labor recruiter/agent is responsible for providing their wages and benefits and for managing their day-to-day work activities. However, without oversight of this process, there is a risk of noncompliance with legal requirements and your company’s human rights expectations.</i></p> <p><i>When a worker signs contracts with multiple parties, there is a significant risk that the employment terms and conditions in the two contracts will be different. The destination country contract terms often do not include what was promised to the employee by the origin country agent.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q2.19</b></p> <p><b>What is included in the employment contract?</b></p>	<p>All available choices should be included in worker employment contracts.</p>	<p><i>Detailed employment contracts are an essential element in ensuring workers enter into employment voluntarily and that they fully understand their legal rights.</i></p> <p><i>A contract that includes all the answer choices will help ensure compliance with the U.S. Federal Acquisition Regulation: Ending Trafficking in Persons (FAR) and most other legal and Code of Conduct requirements.</i></p>
<p><b>Q2.20</b></p> <p><b>Can workers cancel their employment contracts before they leave their home (origin) country?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Yes, but they have to pay a cancellation fee.</li> <li>• No, they must work for the term of their contract.</li> </ul>	<p><i>If at any time before a migrant worker leaves their country of origin they decide to decline the job, they must be free to do so. If migrants are required to pay a cancellation fee (other than cost of passport and visa) or required to fulfill their contract term, this increases the risk of human trafficking.</i></p>
<p><b>Q2.21</b></p> <p><b>When are workers given a copy of their employment contract?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Less than five days before departure</li> <li>• Upon arrival in the destination country (location of work)</li> </ul>	<p><i>The U.S. Federal Acquisition Regulation: Ending Trafficking in Persons (FAR) and many company Codes of Conduct require providing workers with their contracts at least five days prior to departure. This allows enough time for workers to make an informed decision</i></p>

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Question	Answers with Potential Risk	Explanation
	<ul style="list-style-type: none"> <li>Workers are not given copies of their contracts</li> </ul>	<p><i>about taking the job. Failure to provide contracts at least five days in advance increases the risk of exploitation (involuntariness).</i></p>
<p><b>Q2.22</b></p> <p><b>What kind of training do foreign migrants receive <i>before</i> they leave their country of origin for work at your company?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>Pre-departure training designed and delivered by the destination country labor agent.</li> <li>Pre-departure training designed and delivered by the origin country labor agent.</li> <li>Workers do not receive pre-departure training.</li> </ul>	<p><i>Pre-departure training that covers all the details about the job and contract terms is essential for the migrant worker to make an informed decision about the job before traveling to another country for employment. Without it, there is a risk of the worker entering into a situation of human trafficking.</i></p> <p><i>Additionally, leaving the design and delivery of the training to the discretion of either origin or destination country agents presents the risk that not all the required information will be presented.</i></p>

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**Table 3: Management Of Migrant Workers**

Question	Answers with Potential Risk	Explanation
<p><b>Q3.1</b></p> <p><b>Are there migrant workers* at your company?</b></p> <p><i>*Note: this includes both foreign and domestic migrants that are either directly employed by your company or work for a labor recruiter/agent or agency</i></p>	<p>There are no answers indicating risk.</p>	<p>Not applicable</p>
<p><b>Q3.2</b></p> <p><b>Who is responsible for coordinating and processing migrant worker documentation when they arrive for work?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• The labor recruiter/agent</li> <li>• Another employer (factory, farm, etc.)</li> </ul>	<p><i>It is appropriate for the labor agent to process migrant worker documentation, especially when the employment agreement is between the labor agent and migrant. Where the worker has another employer (most common in agriculture), that employer may also be the one to process worker documentation. Without oversight, however, there is a risk that the recruiter/agent’s or other employer’s processes may violate your</i></p>



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Question	Answers with Potential Risk	Explanation
		<i>human rights expectations or applicable legal requirements.</i>
<p><b>Q3.3</b></p> <p><b>How does your company and/or your labor agent manage migrant worker identify documents (passports, visas, work permits, proof of age, etc.)?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Workers are required to turn in their documents to the company or the labor recruiter/agent for safekeeping.</li> <li>• Workers voluntarily have the company or the labor recruiter/agent to hold their documents for safekeeping.</li> <li>• The company or labor recruiter/agent keeps the documents; however, workers can retrieve them at any time without delay.</li> <li>• Workers can retrieve their documents when they intend to return to their home country for a visit or when their contract term is over.</li> </ul>	<p><i>Personal identity documents are the property of the worker. Some companies and labor recruiter/agents retain these documents for “safekeeping” or other reasons.</i></p> <p><i>If employees are not in possession of their identity documents, they may not be able to leave the work site, violating their right to freedom of movement and making the company noncompliant with the U.S. Federal Acquisition Regulation: Ending Trafficking in Persons (FAR) and many company and industry codes of conduct.</i></p>

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Question	Answers with Potential Risk	Explanation
<p><b>Q3.4</b></p> <p><b>What is included in the orientation program for new migrant workers when they arrive for work at your facility?</b></p>	<p>All of the answer choices should be included in the orientation program.</p>	<p><i>Orientation training for newly arrived workers is essential to their understanding of their legal rights and responsibilities and company rules and procedures. It is also a legal and typical Code of Conduct requirement.</i></p>
<p><b>Q3.5</b></p> <p><b>How does the company make sure that workers understood the information provided in the orientation program?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• We do not measure learning or understanding</li> </ul> <p>The answer choices are all elements of an effective training impact assessment program</p>	<p><i>Without measuring learning, there is a significant risk that the workers do not adequately understand their rights and responsibilities, impacting both conformance with legal and human rights requirements and the company's business success.</i></p>
<p><b>Q3.6</b></p> <p><b>What basic wage are migrant workers paid?</b></p>	<p>Each of the listed choices is an acceptable basis for migrant worker wages. However, two choices represent potential risk if managed improperly:</p> <ul style="list-style-type: none"> <li>• In the absence of a legal minimum wage, the supplier must have a formal process to ensure workers are paid no less than the local <i>industry</i></li> </ul>	<p><i>All companies must have a process in place to ensure that all migrant workers are paid a fair and legal wage. In the absence of a legal minimum wage, migrants should be paid the same as local workers performing the same job. Without such a process, there is a significant risk that wage payments will not</i></p>

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Question	Answers with Potential Risk	Explanation
	<p><i>prevailing wages</i> and benefits.</p> <ul style="list-style-type: none"> <li>If workers are paid on a <i>piecework</i> basis, there is a risk that wages will fall below the legal minimum if a worker fails to meet the production quota.</li> </ul>	<p><i>comply with legal and company Code of Conduct requirements.</i></p>
<p><b>Q3.7</b></p> <p><b>Migrant workers are paid a wage premium for _____.</b></p>	<p>All of the available answer choices should be part of a supplier’s wage system.</p>	<p><i>All workers must be paid a wage premium for overtime hours and work performed on holidays and other non-scheduled workdays. The absence of this policy not only puts your company at risk of human rights and legal nonconformance, but worker discontent and resentment as well, which can impact productivity and quality.</i></p>
<p><b>Q3.8</b></p> <p><b>Who pays for workers’ housing?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>Another employer (factory, farm, etc.)</li> <li>Labor recruiter/agent</li> <li>Housing is not provided or arranged for workers</li> </ul>	<p><i>Workers’ housing arrangements must be clearly defined in the employment contract. Depending on the type of employment and country of operation, housing must be provided to workers at no cost to them. If workers must pay for housing, they</i></p>

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Question	Answers with Potential Risk	Explanation
		<p><i>cannot be charged in excess of equivalent local rents.</i></p> <p><i>Failure to clearly describe and monitor payment for worker accommodation can be both a legal noncompliance and a nonconformance with company and industry Codes of Conduct.</i></p>
<b>Q3.9</b>  <b>How does your company ensure compliance with local housing and safety standards?</b>	<p>All of the listed answer choices are appropriate elements of a company's worker housing program.</p>	<p><i>Failure to have formal policies and procedures (e.g. regular audits and inspections) in place to ensure worker housing meets local standards can result in unsafe or unhealthy conditions and can be both a legal noncompliance and Code of Conduct nonconformance.</i></p>
<b>Q3.10</b>  <b>Describe the type of social insurance and other benefits provided to migrant workers?</b>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Migrant workers are not provided with social insurance or other benefits.</li> </ul>	<p><i>All workers are entitled to social insurance and other benefits required by law and by customer human rights codes. If your compensation and benefits system does not ensure migrant workers are provided with social insurance, such as work accident insurance, and other required benefits, you are at significant risk of noncompliance with requirements. Your company may also</i></p>

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Question	Answers with Potential Risk	Explanation
		<i>face worker discontent and resentment, which can impact productivity and quality.</i>
<p><b>Q3.11</b></p> <p><b>How do you ensure that migrant workers understand how their wages are calculated?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Workers are free to ask Payroll if they have a question.</li> </ul>	<p><i>Making sure that all workers understand how they are paid so they can verify the accuracy of their compensation is a fundamental legal and human rights expectation. This is particularly true for foreign migrants who likely do not speak the local language. There is a significant risk of noncompliance with requirements if you do not provide workers with this information.</i></p>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Transportation to and from the workplace</li> <li>• Transportation from the origin country</li> <li>• Return transportation to the origin country</li> <li>• Interest charged advances for food, housing, communications, etc.</li> </ul>	<p><i>Transportation to the destination country (where the work is performed) and return transportation upon completion of the employment contract must be paid by the employer. Additionally, transportation to and from the workplace and workers' housing must also be provided where housing is arranged by the employer.</i></p> <p><i>Agricultural workers may be charged for food and water in some contexts.</i></p>

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Question	Answers with Potential Risk	Explanation
		<i>Requiring workers to pay such costs is noncompliant with both legal and human rights requirements.</i>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Recruitment fees</li> <li>• Visa processing fees</li> </ul>	<p><i>Recruitment fees cannot be charged to workers. The U.S. Federal Acquisition Regulation: Ending Trafficking in Persons (FAR) and many company and industry Codes of Conduct prohibit charging recruitment fees to workers.</i></p>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Fines for breaking rules</li> </ul>	<p><i>Monetary fines for breaking workplace rules are considered disciplinary wage deductions. Systems of compensation and discipline that do not prohibit monetary fines are at risk of noncompliance with legal and human rights requirements.</i></p>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Repayment of loans</li> </ul>	<p><i>Repayment of loans through payroll deductions indicates a high risk of debt bondage among your migrant workers.</i></p>
<p><b>Q3.12</b></p>	<p><b>Potential risks:</b></p>	<p><i>Uniforms, tools, and personal protective equipment are job</i></p>

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<p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<ul style="list-style-type: none"> <li>• Uniforms</li> <li>• Tools</li> <li>• Personal protective equipment</li> </ul>	<p><i>requirements and must therefore be provided to workers at no cost to them. Charging workers for such items puts workers at risk of being paid less than minimum wage and represents a compliance risk for your company.</i></p>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Medical services</li> </ul>	<p><i>Migrant workers must be provided with work accident insurance and medical services free of charge for any job-related injuries or illnesses. Failure to do so may be both a legal and Code of Conduct noncompliance.</i></p>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made from migrant worker wages?</b></p>	<p><b>Potential risk:</b></p> <ul style="list-style-type: none"> <li>• Mandatory savings</li> </ul>	<p><i>Some companies require migrant workers to have a portion of their salary put in a savings account to provide an incentive to work for the entire contract period or to pay for their transportation home once their contract term is over. Such involuntary withholding of wages represents a risk of human trafficking.</i></p>
<p><b>Q3.12</b></p> <p><b>What kinds of deductions are made</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Food</li> </ul>	<p><i>Although workers may be charged for food and housing if part of the employment agreement, such</i></p>

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<p>from migrant worker wages?</p>	<ul style="list-style-type: none"> <li>• Housing</li> </ul>	<p><i>expenses must be at or below local market prices/rates.</i></p>
<p><b>Q3.13</b></p> <p><b>Who pays migrant workers' wages?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• Our local (in-country) labor recruiter/agent</li> <li>• Another employer</li> </ul>	<p><i>It is appropriate for labor agents to pay migrant workers' wages, especially when the workers' employment contracts are with the labor agent. In agriculture, wages may also be paid by another farm or processor. However, without oversight, when the compensation process is outsourced it presents a risk of wage underpayment, unlawful deductions, and non-payment of legally-required benefits, among other issues.</i></p>
<p><b>Q3.14</b></p> <p><b>How are migrant workers paid?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• In cash cards (debit cards)</li> <li>• Workers are paid a portion of their wages each pay period and the balance at the end of their contract</li> <li>• Workers are paid in full upon completion of their contract</li> </ul>	<p><i>Failure to pay workers in full presents a serious risk of human trafficking as workers cannot leave their jobs without the financial penalty of lost wages.</i></p> <p><i>The use of debit cards presents the risk of workers destination less than the minimum wage because of bank fees and other charges whenever the card is used.</i></p>



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	<ul style="list-style-type: none"> <li>Workers are paid in part or in full in non-cash (i.e. in kind)</li> </ul>	<p><i>In-kind payments are non-transparent and subject to abuse.</i></p>
<p><b>Q3.15</b></p> <p><b>How many regular work hours do migrant workers work per week?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>More than 40</li> <li>More than 48</li> </ul>	<p><i>Most laws and human rights codes limit regular working hours to no more than 40 or 48 hours per week. Requiring employees to work more than the legal limit without being paid an overtime wage premium represents a serious noncompliance risk <b>in non-agricultural sectors</b>. In agricultural sectors, overtime hours may be unavoidable due to the seasonal nature of crops and needs of livestock. However, in such cases where overtime is possible or probable, the wage rate for those hours should be agreed upon in advance of employment and workers must be compensated for them.</i></p>

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Question	Answers with Potential Risk	Explanation
<b>Q3.16</b>  <b>How many overtime hours do migrant workers work per week on average?</b>	<b>Potential risks:</b> <ul style="list-style-type: none"> <li>• More than 12</li> <li>• More than 20</li> </ul>	<p><i>Human rights codes typically limit a workweek to 60 hours total — including overtime. Some jurisdictions have even more restrictive legal requirements, while others do not limit work hours.</i></p> <p><i>Workers routinely working in excess of 60 hours or the legal limit represents a serious noncompliance risk for the employer and a health and safety risk for workers.</i></p>
<b>Q3.17</b>  <b>Do migrant workers have the right to refuse overtime work without penalty?</b>	<b>Potential risks:</b> <ul style="list-style-type: none"> <li>• No, all workers are required to work overtime as needed to meet our production targets.</li> </ul>	<p><i>A fundamental principle of human rights is that all overtime must be voluntary unless stated otherwise in a collective bargaining agreement.</i></p> <p><i>Involuntary overtime is a serious red flag and could be an indicator of human trafficking; it is a serious violation of human rights standards for the employer.</i></p>
<b>Q3.18</b>  <b>Do migrant workers receive at least one</b>	<b>Potential risks:</b> <ul style="list-style-type: none"> <li>• No</li> </ul>	<p><i>All employees are entitled to at least one day off per week by law and human rights codes. Not providing the required day off represents a compliance risk for the company, a</i></p>

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<p>day (24 consecutive hours) off every week?</p>		<p><i>health and safety risk for workers, and a potentially adverse impact on both productivity and quality.</i></p>
<p><b>Q3.19</b></p> <p><b>Does your company have a process for migrant workers to report workplace grievances?</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• No</li> </ul>	<p><i>Migrant workers are often subject to unethical practices and mistreatment during recruitment and employment. Without a process for migrants to report abuses, your company runs the risk of being in violation of the law or human rights standards without knowing it, and/or not addressing serious issues that impact worker welfare or safety or business reputation.</i></p>
<p><b>Q3.20</b></p> <p><b>Which of the following are part of your company's grievance process for migrant workers?</b></p>	<p>All available answer choices should be part of any supplier's grievance process.</p>	<p><i>None</i></p>
<p><b>Q3.21</b></p> <p><b>Can migrant workers directly report a grievance to your</b></p>	<p><b>Potential risks:</b></p> <ul style="list-style-type: none"> <li>• No</li> </ul>	<p><i>In many cases, labor agents are responsible for violations of migrant worker rights. Requiring migrant workers to report their grievance to the labor agent instead of your</i></p>

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<b>company without having to go through the labor recruiter/agent?</b>		<i>company potentially exposes the workers to intimidation and reprisal and could prevent your company from identifying and addressing the source of the abuses.</i>
<b>Q3.22</b>  <b>Does your company have policies and procedures for discipline and termination of migrant workers?</b>	<b>Potential risks:</b> <ul style="list-style-type: none"> <li>• No</li> </ul>	<i>Discipline and termination procedures that comply with legal and human rights requirements ensure that discipline is applied fairly, humanely, and consistently. The lack of discipline and termination procedures presents the risk of discrimination, inhumane treatment, and intimidation of employees.</i>
<b>Q3.23</b>  <b>Which of the following criteria are part of your process for migrant worker discipline and termination?</b>	All available answer choices should be included in a supplier's discipline and termination procedures.	<i>None</i>
<b>Q3.24</b>  <b>How does your company ensure that supervisors and</b>	<b>Potential risks:</b> <ul style="list-style-type: none"> <li>• We do not train our supervisors or managers on discipline and termination.</li> </ul>	<i>Discipline and termination procedures are designed to ensure that discipline is applied consistently, legally, and fairly. When the supervisors and managers responsible for</i>

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<p><b>managers understand your migrant worker discipline and termination policy and procedures?</b></p>		<p><i>administering discipline are not trained to properly implement the procedures, the company is at serious risk of legal and social noncompliance.</i></p>