



# RESPONSIBLE SOURCING TOOL

Mining  
Sector |  
Tool 7

## PROTECTIONS AGAINST TRAFFICKING IN PERSONS

### Criteria for Screening and Evaluating Labor and Recruitment Agents

The risks of human trafficking, including forced labor,<sup>1</sup> can be mitigated by properly designed and implemented processes for recruitment, selection, and hiring of workers. Those risks are greater and more difficult to control when recruitment, selection, and hiring are outsourced to third-party recruitment agents and when industries rely on contracted third-party service providers to deliver services—like maintenance and security—and on workers hired by labor contractors.<sup>2</sup> Therefore, companies and their suppliers should, whenever possible, recruit, hire, and employ workers directly.

When direct recruitment and/or hiring is not possible, companies must exercise careful due diligence in the screening and selection of labor and recruitment agents to minimize the risk of forced labor as a result of fraudulent or misleading recruitment practices. In some sectors, recruitment agents are paid by the number of workers they supply and the length of time that a worker remains at the employer, potentially incentivizing coercive recruitment.

Recruitment-related intermediaries appear across mining supply chains; they formally supply workers to companies of all sizes that both conduct mining activities and provide services to mining companies.

Recruitment-related intermediaries are also present in the artisanal and small-scale (ASM) mining context, but in a more informal manner.

This document provides a description of principles and a recommended process to follow for conducting due diligence and does not attempt to ensure compliance with any applicable legal requirements, such as Section 307

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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.

<sup>2</sup> 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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of the Tariff Act,<sup>3</sup> the Uyghur Forced Labor Prevention Act (UFLPA),<sup>4</sup> Section 1502 (Conflict Minerals) of the Dodd-Frank Act,<sup>5</sup> the EU Conflict Minerals Regulation,<sup>6</sup> the Buy American Act (BAA),<sup>7</sup> the Build America, Buy America Act (BABA),<sup>8</sup> and the Federal Acquisition Regulation (FAR): Combating Trafficking in Persons,<sup>9</sup> nor legal requirements outside of the United States.

The goal of screening recruitment agents is acquiring enough information to have reasonable confidence that the agents selected will comply with all applicable legal requirements and standards for ethical recruitment. When evaluating a potential recruitment agent, this process will entail looking for the presence or absence of policies and procedures that relate to issues of fair recruitment. Because evaluating potential recruitment agents' practices is both challenging and vitally important, companies may consider prioritizing recruitment agents or agencies that participate in or align their practices with fair recruitment certification programs. Participation in certification programs allows recruitment agents to demonstrate their commitment to ethical practices and increased transparency and oversight.

Examples of recruitment certification programs and standards of good practice include:

- The Dhaka Principles for Migration with Dignity<sup>10</sup> are a set of human rights-based principles to enhance respect for the rights of migrant workers from the moment of recruitment, during employment, and through to safe return. They are intended for use by all industry sectors and in any country where workers migrate either inwards or outwards. Although not a certification scheme, they serve as the basis for schemes such as IRIS and Clearview.

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<sup>3</sup> [Tariff Act of 1930 \(19 U.S.C § 1307\)](#).

<sup>4</sup> [U.S. Customs and Border Protection. "Uyghur Forced Labor Prevention Act."](#)

<sup>5</sup> [U.S. Securities and Exchange Commission. "Fact Sheet: Disclosing the Use of Conflict Minerals." June 28, 2024.](#)

<sup>6</sup> [European Commission. "Conflict Minerals Regulation: The regulation explained." 2021.](#)

<sup>7</sup> [Congress.gov. "H.R.3684 – Infrastructure Investment and Jobs Act." 2021.](#)

[Made in America Office. \*What Is Build America, Buy America?\* 2022.](#)

<sup>8</sup> [Congress.gov. "The Buy American Act and Other Federal Procurement Domestic Content Restrictions." 2022.](#)

<sup>9</sup> For guidance on complying with the Federal Acquisition Regulation (FAR): Combating Trafficking in Persons, please review Tool 12, RST's Sample Compliance Plan Template.

<sup>10</sup> ["Dhaka Principles for Migration with Dignity." Institute for Human Rights and Business.](#)

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- The Fair Recruitment Initiative (FRI)<sup>11</sup> was developed by the International Labour Organization (ILO) to help ensure the fair recruitment of workers at the national and international level by the dissemination of tools and guidance and promotion of global policy dialogue.
- The International Recruitment Integrity System Standard,<sup>12</sup> is a set of global principles that define ethical recruitment based on international labour and human rights instruments. An initiative of the International Organization for Migration (IOM), IRIS is a multi-stakeholder initiative designed to promote respect for migrant worker rights, enhance transparency and accountability in international recruitment, advance the Employer Pays Principle, and strengthen public policies, regulations and enforcement mechanisms;
- On The Level (OTL) Principles and Standards of Ethical Recruitment<sup>13</sup> is a program of the Fair Hiring Initiative, OTL consists of 10 ethical practices against which recruitment agencies can be assessed for certification. Each Principle is accompanied by a set of standards that outlines the practices that agencies must adhere to for OTL certification.
- Clearview Global Labour Provider Certification Scheme<sup>14</sup> is a certification process that enables labor recruiters and temporary labor providers to demonstrate that they operate responsibly, professionally, legally and ethically in their sourcing and supply of workers. An initiative of the non-profit Stronger Together, Clearview is aligned with the IRIS Code of Conduct, the Dhaka Principles, the ILO Fair Recruitment Initiative, and the UN Guiding Principles on Business and Human Rights.

Once under contract, managing and assessing recruitment agents' ongoing adherence to requirements occurs as part of the performance monitoring process (refer to Tool 9: Monitoring the Performance of Labor Agents in the Mining Sector).

The process described in this tool are most directly applicable when a company is seeking to engage labor intermediaries for their own mining activities. However, companies should also share this tool with their subcontractors and suppliers with the understanding that they are expected to conduct their own due diligence on any labor intermediaries they intend to use.

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<sup>11</sup> "Fair Recruitment Initiative." International Labour Organization.

<sup>12</sup> "IRIS Standard." International Organization for Migration.

<sup>13</sup> "On the Level Principles and Standards." Fair Hiring Initiative.

<sup>14</sup> "Clearview Global Labour Provider Certification Scheme." Association of Labour Providers.

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For more information on forced labor risks in the mining industry, including risks related to the use of labor and recruitment agents, please see the Mining Sector Report.

**The Evaluation Criteria**

Verité recommends defining a set of performance requirements that complement the company’s *Supplier Code of Conduct* (human rights expectations), *legal requirements* (licensing requirements, applicable laws and regulations, government procurement requirements, etc.) and *technical requirements* (ability to source suitable workers within a defined timeframe and budget). This will help the company to better understand the recruitment agent’s policies and approaches to preventing forced labor.

Each company will need to develop its own specific screening criteria. To do so, a company should undertake a careful review of:

- The legal requirements in the origin country, transit countries (if any), and country of operation and any other applicable legal requirements (see Tool 4: Country-Level Review of Legal Protections Against Human Trafficking).
- The Company Supplier Code of Conduct or other supplier requirements, and those of its clients.
- Ethical recruitment standards and certification schemes listed above.<sup>15</sup>

Once the screening criteria have been defined, each criterion should be paired with indicator(s) that serve to measure whether it is being met. For example, see the tables below:

**Table 1: Sample Evaluation Criteria and Indicators**

Sample Criteria	Sample Indicators
<p><b>Compliance with legal requirements</b></p>	<ul style="list-style-type: none"> <li>• The recruitment agent is registered and licensed in all countries of operation.</li> <li>• The recruitment agent has no record of legal sanctions in the past three years, or violations have been corrected or are on-track for correction.</li> </ul>

<sup>15</sup> These standards have also been consulted in creation of these tools.

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Sample Criteria	Sample Indicators
	<ul style="list-style-type: none"> <li>• The recruitment agent participates in a fair recruitment certification program.</li> <li>• The recruitment agent regularly evaluates its compliance with legal requirements.</li> </ul>
<p><b>Compliance with international labor standards<sup>16</sup></b></p>	<ul style="list-style-type: none"> <li>• The recruitment agent formally expresses a commitment to uphold the company’s human rights standards and/or Supplier Code of Conduct.</li> <li>• The recruitment agent has formal policy statements committing it to compliance with international standards on labor and human rights.</li> <li>• The recruitment agent has a process to ensure ongoing knowledge of applicable international standards on labor and human rights.</li> </ul>
<p><b>Compliance with company and legal standards and on recruitment</b></p>	<ul style="list-style-type: none"> <li>• The recruitment agent has a policy that prohibits the use of misleading or fraudulent recruitment practices, including:               <ul style="list-style-type: none"> <li>✓ failing to disclose basic information about the terms and conditions of employment, or</li> <li>✓ making material misrepresentations about the key terms of employment and living conditions, including wages, benefits, hours of work, location of the work, living conditions, employer provided or arranged housing and associated costs, any significant cost to be charged to the worker, and, if applicable, the hazardous nature of the work.</li> </ul> </li> <li>• The recruitment agent has a policy stating that no worker will be charged recruitment fees.</li> </ul>

<sup>16</sup> International labor standards include The Universal Declaration of Human Rights, ILO Declaration on Fundamental Principles and Rights at Work, and other ILO Conventions.

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Sample Criteria	Sample Indicators
	<ul style="list-style-type: none"> <li>• The recruitment agent has processes in place to inform workers of their right not to be charged recruitment fees.</li> <li>• The recruitment agent has a policy stating that all workers shall retain access to their identity documents.</li> <li>• The recruitment agent has a procedure for verifying that workers are not charged fees by its recruitment business partners (for example, origin country agents and sub-agents)</li> </ul>
<p><b>Compliance with company and legal standards on <i>employment contracts</i></b></p>	<ul style="list-style-type: none"> <li>• The recruitment agent has a policy to ensure that workers’ contracts meet all legal and company requirements.</li> <li>• Worker contracts include accurate and verifiable information on worker position, location of job, length of contract, housing, name of the employer, wages, working hours, any legal wage deductions, and all applicable benefits.</li> <li>• Worker contracts detail which party (recruitment agent or employer) is responsible for various aspects of the employment relationship (in accordance with applicable law).</li> <li>• Recruitment agent maintains records demonstrating that workers receive accurate copies of contracts in a language they understand prior to departure.</li> <li>• Recruitment agent has processes in place to validate that terms of employment do not differ from those offered to the worker.</li> <li>• Compliance with company and legal standards on grievance mechanisms.</li> </ul>
<p><b>Compliance with company and legal standards on</b></p>	<ul style="list-style-type: none"> <li>• Recruitment agent ensures confidential grievance mechanisms are available to job seekers and workers.</li> </ul>

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Sample Criteria	Sample Indicators
<i><b>grievance mechanisms</b></i>	<ul style="list-style-type: none"> <li>Recruitment agent demonstrates that workers are provided with information on their legal rights and on the procedures for accessing grievance mechanism/s available via government or employer.</li> <li>Recruitment agent has a policy of non-retaliation for worker participation in grievance mechanisms.</li> </ul>

**Conducting a Screening Interview**

When interviewing prospective recruitment agents, the agents should be asked to describe how they are able to meet the company’s selection criteria. In addition to assessing objective criteria, such as whether policies and processes are documented, the company may wish to evaluate the degree to which the potential recruitment agents support issues related to fair recruitment. The table below provides some examples of questions that could be asked.

**Table 2: Sample Questions for Recruitment Agent Screening**

Sample Criteria & Indicators	Sample Screening Questions
<b>Compliance with legal requirements</b>	<ol style="list-style-type: none"> <li>Is your company registered or licensed to operate?</li> <li>Has your company been subject to any regulatory actions where monetary penalties were assessed?</li> <li>If formal corrective actions were mandated by the issuing government agency, can you provide documentation to show that violations have been corrected or are on track for correction?</li> <li>How do you evaluate your compliance with legal requirements?</li> </ol>

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Sample Criteria & Indicators	Sample Screening Questions
	<p>5. Would you agree to sign a service agreement that commits you to adhere to the legal requirements of the origin, transit and destination countries?</p>
<p><b>Compliance with international labor standards</b></p>	<ol style="list-style-type: none"> <li>1. Do your recruitment, selection and hiring policies and procedures align with international standards (such as the Universal Declaration of Human Rights and ILO conventions)?</li> <li>2. How often are your policies and procedures reviewed and updated?</li> <li>3. How do you evaluate your alignment with international labor standards?</li> <li>4. Do your labor and ethics policies have executive management endorsement?</li> </ol>
<p><b>Compliance with company and legal standards on recruitment</b></p>	<ol style="list-style-type: none"> <li>1. Does your company have a policy that prohibits giving misleading or fraudulent information to job applicants?</li> <li>2. Does your company have a policy that prohibits charging recruitment fees and expenses to job applicants? If yes, how is this policy communicated to job applicants?</li> <li>3. Where in the recruitment, selection, and hiring process do you think the risk of workers being charged fees is highest?</li> <li>4. How do you communicate working and living conditions to prospective workers? How do you ensure that this information is accurate?</li> <li>5. What operational controls have you put in place to ensure that workers are not charged fees or given false or misleading information? Following are some examples of controls:</li> </ol>

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Sample Criteria & Indicators	Sample Screening Questions
	<ul style="list-style-type: none"> <li>a. Procedures are in place to implement the no-fee statement in the Supplier Code of Conduct.</li> <li>b. Job applicants and workers can report violations of the no-fee policy without retaliation. The grievance procedure includes an investigation and response to reports of violations.</li> <li>c. A policy and implementing procedures that prevent the use of illegal or unauthorized sub-agents or subcontractors.</li> <li>d. A procedure is in place to ensure sub-agents are paid by the agency for their services and that they sign and comply with the agency’s no-fee policy.</li> <li>e. If workers are being recruited from remote or interior regions, the agency has staff (on the agency’s payroll) in these areas.</li> <li>f. Workers, upon arrival, are routinely interviewed to verify that they have not paid recruitment fees and that they understand the terms and conditions of their employment.</li> </ul> <p>6. How is workers’ personal documentation handled during the recruitment and hiring process (for example, when work permits and visas are being processed)?</p>
<p><b>Compliance with company and legal standards on <i>employment contracts</i></b></p>	<ul style="list-style-type: none"> <li>1. How do you know that the terms of worker employment contracts and the process of issuing employment contracts comply with origin and destination country legal requirements?</li> <li>2. How do you ensure that employment contract terms and conditions comply with:               <ul style="list-style-type: none"> <li>a. your client company’s recruitment standards?</li> </ul> </li> </ul>

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Sample Criteria & Indicators	Sample Screening Questions
	<p>b. your client company’s customer (for example, the U.S. government and U.S. Federal Acquisition Regulation: Combating Trafficking in Persons)?</p> <p>3. How do you make sure that worker employment contracts are complete and accurate?</p> <p>4. In what language(s) are employment contracts written?</p> <p>5. How do you verify that workers understand the terms and conditions of their contracts?</p>
<p><b>Compliance with company and legal standards on <i>grievance mechanisms</i></b></p>	<p>1. What can job applicants and workers do if they encounter a problem at any point in the recruitment and hiring process (for example, if they are asked to pay a fee)?</p> <p>2. How do you tell job applicants and workers about the grievance mechanisms available to them to report recruitment issues?</p> <p>3. What happens when workers use one of these mechanisms? How is the reported problem investigated and resolved?</p> <p>4. How do you make sure that job applicants and workers are not retaliated against for reporting problems?</p>

**Evaluating the Results and Making a Final Decision**

After labor recruitment agent candidates have been screened, their responses must be evaluated using a transparent methodology for evaluating agents against the screening criteria. The methodology should describe in detail the evaluation process, how the response to each screening question is scored and combined to provide an overall rating, and the process by which a decision will be made to engage the recruitment agent and issue a contract/service agreement.

One approach is to use a rating system that assigns each criterion a weight and performance score as shown below. This allows the company to score each recruitment agent candidate’s performance on each criterion, while also giving

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appropriate emphasis to the areas of compliance that are most important to the company and/or the company's customers.

The results of such a rating process allow the performance of candidates to be cross-analyzed and compared, which will then allow companies to rank and compare candidates.

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**Table 3: Example Recruitment Agent Screening Scorecard**

Criteria	Weight (%)	Section Score (%)	Performance Rating (weight x score)
Compliance with legal requirements	20		
Compliance with international labor standards	15		
Compliance with company and legal standards on recruitment	25		
Compliance with company and legal standards on employment contracts	25		
Compliance with company and legal standards on grievance mechanisms	15		
<b>Total</b>	100%		
<p><i>Note: Weights shown above are for illustration purposes only. Each company should determine its own weightings based on applicable legal requirements, their policies and (where relevant) those of their clients.</i></p>			

Once the successful recruitment agent candidate has been selected and hired, companies can use the information from this due-diligence selection process as baseline data for managing and monitoring the performance of the agent on an ongoing basis (refer to Tool 9: Monitoring the Performance of Labor Agents in the Mining Sector).

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Note: In supply chain segments where broker registration systems are weak or non-existent and informal brokers predominate, companies should move progressively towards direct hiring. However, in some contexts, such as in artisanal and small-scale mining (ASM) and small services providers, some labor recruitment will likely continue to occur through informal channels. Informal brokers are inherently more difficult to monitor.

Nevertheless, whenever a third party is connecting workers to employers, they should still be held to basic standards of fair practice. With the exception of the requirement for a valid license number, all of the policies and processes listed above should apply to informal providers as well. For example, informal labor providers can still be held accountable for accurately explaining terms of conditions of work to job seekers, not charging recruitment fees, and not retaining identity documents. The burden of communicating these expectations and monitoring against their performance is on the company that engages the third-party labor recruitment agent.