



**Institute for
Human Rights and Business**

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Fees and IDs: Tackling recruitment fees and confiscation of workers' passports





Fees and IDs

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Tackling recruitment fees and confiscation of workers' passports

Executive Summary

Human trafficking and forced labour are huge problems on a global scale. An estimated 20.9 million men, women and children worldwide are in forced labour at any one time with 90% of these individuals exploited by businesses in the private economy.¹ 14.2 million (68%) are victims of forced labour exploitation in economic activities such as agriculture, construction, domestic work, and manufacturing (especially garments and textiles, and food processing and packaging); all known to be high-risk industries.² Business and government has a compelling responsibility – economic, legal and moral – to address these human rights violations.

In May 2013, the Institute for Human Rights and Business (IHRB) convened an expert meeting on the subject of addressing human trafficking and forced labour in business relationships in the context of supply chains.³ This brief report has been prepared subsequently with a specific focus on two abusive employment and recruitment practices which are known to cause or contribute to forced labour exploitation: recruitment fees charged to migrant workers and confiscating of workers' passports or other identity documents by employers.⁴ It is based on desk-research and information gathered from meeting participants.

High recruitment fees, typically inflated by exorbitant loan repayments taken out by migrant workers in order to pay the fees, can lead to debt bondage, which traps individuals in situations of work for little or no pay, often with no ability to leave the employment until the debt

is repaid. Debt bondage is a form of forced labour, defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.⁵

Employers' confiscating of workers' identity documents allows employers to control workers' freedom of movement and prevent them from leaving the employment. This is also identified as forced labour if workers are unable to access their documents on-demand and if they feel they cannot leave the job without risking their loss.⁶

Both practices constitute human rights violations which are often also illegal. The United Nations Guiding Principles on Business and Human Rights are the authoritative global reference points on the duties of states to protect against rights abuses involving non-state actors, and the responsibilities of business with respect to human rights.⁷ They provide an important framework for businesses to apply in tackling these issues.

In recent years, repeated high profile media coverage, dedicated and persistent activism by civil society groups, intense pressure from trade unions and transparency and disclosure regulation has helped to place trafficking and forced labour on company agendas. Companies have themselves also taken the initiative, recognising the potential reputational and legal risks of actual or perceived involvement in forced labour and trafficking.

1. See ILO Global Estimate of Forced Labour 2012: Results and Methodology: http://www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_182004/lang--en/index.htm

2. Ibid

3. The meeting was kindly supported by Humanity United and hosted by Coca Cola. The meeting report can be found at www.ihrb.org

4. Where both the charging of recruitment fees leading to debt bondage and retention of identity documents are present, the ILO recognises this as trafficking for forced labour – a severe violation of international human rights. See: ILO Indicators of Forced Labour: http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang--en/index.htm

5. See ILO Convention No. 29, Forced Labour, 1930

6. See: ILO Indicators of Forced Labour: http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang--en/index.htm

7. See Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Particularly worthy of note, a number of companies have become involved in the Global Business Coalition Against Trafficking (gBCAT) which was established in 2011 by business leaders to “mobilize the power, resources and thought leadership of the business community to end human trafficking, including all forms of forced labor and sex trafficking.”⁸

Governments must protect against human rights abuse, by third parties, including business enterprises within their territories and/or

jurisdictions. Companies – the subject of this report - also have clear responsibilities to respect human rights. Accordingly, this report makes ten key recommendations to business. These recommendations are based on research, feedback from participants of the IHRB expert meeting held in Atlanta on the subject of addressing human trafficking and forced labour in business relationships in the context of supply chains, as well as actions that are considered good practice by the ILO and other international bodies.⁹

Recommendations to business

1. Companies should ensure that they pay the full costs of recruiting migrant workers. Business partners should be strictly prohibited from charging recruitment fees to workers. Companies should not work with agencies and brokers known to charge recruitment fees to workers and should end business relationships with agencies and brokers found to have done so. This policy should be communicated externally to all prospective and actual business partners and to relevant stakeholders.
2. Companies should strictly prohibit the confiscating of workers' passports or other identity documents by employees and by business partners. Companies should provide safe storage facilities for workers' identity documents where requested to do so by workers, and they should be freely accessible to workers at all times. This policy should be communicated externally to all prospective and actual business partners and to relevant stakeholders.
3. Companies should draft specific migrant worker guidance to substantiate how the company will implement, monitor and enforce the two above policies. Policies and guidelines should be included in contracts with business partners and in supplier handbooks. It may be necessary to devise training for relevant personnel to support implementation of these policies.
4. Companies should include the issues of recruitment fees and confiscating of identity documents in all human rights due diligence processes. Workers should always be asked anonymously and confidentially – preferably by independent third parties - whether they were charged recruitment fees or have had their identity documents confiscated either en route to the job or in the place of employment. Human rights due diligence processes include human rights risk assessments, audits and corrective actions undertaken to prevent or mitigate relevant potential or actual human rights impacts identified, and tracking and communicating impacts.

8. <http://www.gbcat.org/>

9. For example, see <http://betterwork.org/global/wp-content/uploads/Legal-brief-underlying-CAT-Forced-Labour-21-Feb-2013-FINAL-NORMES-CLEAN.pdf>

5. Where evidence of fees being charged to workers is revealed, companies should immediately seek to reimburse these fees to the workers. A root cause analysis should be undertaken and the appropriate corrective actions put in place to prevent, mitigate or remediate as appropriate. This may include making revisions to policies and procedures or may involve ending business relationships with the organisations which have been responsible for charging recruitment fees to workers.
6. Where evidence of confiscation of workers' identity documents is revealed, companies should ensure these documents are immediately returned to the workers. A root cause analysis should be undertaken and the appropriate corrective actions put in place to prevent, mitigate or remediate as appropriate. Corrective actions may include making revisions to policies or procedures or in some cases may involve ending business relationships with the organisations which have been responsible for charging recruitment fees to workers.
7. Where human rights due diligence identifies a risk of recruitment fees being charged at the point of recruitment – for instance where this is known to be a widespread practice in workers' country of origin - companies should implement a greater degree of direct oversight over recruitment processes to workers' country of origin in order to prevent and mitigate these risks. At the least this could include company representatives attending recruitment campaigns in countries of origin. Companies may also want to explore the benefits of undertaking direct recruitment themselves without an agency's services.
8. Companies should track and monitor the impact of any changes in policies and operational practices in order to ensure that the desired change is being achieved and without any unintended consequences which have negative human rights impacts. Tracking can help to build continuous improvement to policies and processes. Ensuring transparency is also important: performance on these policy changes should be communicated to stakeholders, investors, public authorities and workers themselves.
9. Companies should implement effective operational level grievance mechanisms in order to ensure workers have access to remedy where they have been charged recruitment fees or had their passports confiscated. Gaining access to remedy for migrant workers is especially challenging given the gap between territorial jurisdiction in the destination country – the place of employment – and origin country. This means that it is especially important for companies to ensure that their grievance mechanisms are effective. Effective grievance mechanisms can also provide companies with 'eyes and ears' to the factory floor in addition to more formalised auditing procedures.
10. Companies should ensure that in their efforts to address problems associated with recruitment fees and worker document retention, other human rights concerns are not neglected as a result. For example, freedom of association and the right to collective bargaining should be respected by all businesses. Trade unions and other worker representatives are central partners in ending these and other abusive business practices.

10. See ILO Global Estimate of Forced Labour 2012: Results and Methodology: http://www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_182004/lang--en/index.htm

11. The meeting report can be found at www.ihrb.org

12. See http://www.ihrb.org/about/programmes/business_and_migration.html

13. See ILO Convention No. 29, Forced Labour, 1930: <http://www.ilo.org/dyn/normlex/en/>

14. The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, 2000, in effect from 2003, defines 'exploitation' as including at a minimum: 'sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs' (Article 3, paragraph (a)): <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

15. Where both the charging of recruitment fees leading to debt bondage and retention of identity documents are present, the ILO recognises this as trafficking for forced labour - a severe violation of international human rights. See: ILO Indicators of Forced Labour: http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang--en/index.htm

16. Several reports are available for companies' responses to forced labour. For example: <http://www.ohchr.org/Documents/Issues/Trafficking/Consultation/2012/BackgroundPaper.pdf>

1. Introduction

The International Labour Office (ILO) estimates that at any one time, 20.9 million men, women and children worldwide are victims of forced labour, trapped into jobs into which they have been coerced or deceived and which they cannot leave. Of the total estimate, 90% are exploited in the private economy: 14.2 million (68%) are victims of forced labour exploitation in economic activities such as agriculture, construction, domestic work and manufacturing.¹⁰

In May 2013, the Institute for Human Rights and Business (IHRB) convened an expert meeting on the subject of addressing human trafficking and forced labour in business relationships in the context of supply chains.¹¹ Building on previous IHRB roundtables on responsible business and migration¹², the meeting brought together senior representatives from companies, governments, ethical manpower providers, investors, civil society organisations and trade unions.

The ILO defines forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."¹³ Human 'trafficking' is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation".¹⁴ (See Annex 1 for detailed definitions.)

This report has been subsequently prepared with a specific spotlight on two abusive recruitment and employment practices which are known to cause or contribute to forced labour: charging recruitment fees to migrant workers and confiscating migrant workers' passports or other identity documents.¹⁵ While it is not only migrant workers which suffer these abuses, migrant workers are especially vulnerable to them and therefore are the focus of this report. The report provides an overview of the scale and manifestations of the problem, the international and national legal frameworks which govern these abusive business practices and examples of responses by business and the challenges in addressing these issues.¹⁶

The report concludes with ten key recommendations for companies. These recommendations are based on research, feedback from participants who attended the IHRB expert meeting held in Atlanta on the subject of addressing human trafficking and forced labour in business relationships in the context of supply chains, as well what is considered good practice by the ILO and other international bodies.¹⁷ The recommendations are aimed at assisting companies in abiding by international standards on not charging recruitment fees to workers and non-confiscation of their identity documents.

2. Scale and manifestations of recruitment fees charged to workers and confiscation of workers' passports

Kabir A, a 32-year-old worker from Bangladesh on Saadiyat Island in UAE, said he had mortgaged his family's farm land to pay a recruitment fee of 200,000 Bangladeshi taka (US\$2,682), and that after two years of working in the UAE, he still had not paid off his loan. "We [all] bring loans from our side," he said. "If we can do this job for six years continuously, we can make some money. Three years is not enough."¹⁸

Migrant workers who leave home to work abroad typically pay recruitment fees to local agencies and or brokers in order to secure a job. Recruitment fees often amount to several times the salary which will be earned in the destination country, meaning that for a period of time - often years - migrant workers are working to pay that money back. Recruitment fees may be as high as \$15,000.¹⁹

Unsurprisingly, migrant workers are usually unable to pay these recruitment fees up-front without recourse to a loan, which then typically aggravates the level of debt. Research details that compound interest rates can range from 5% up to 80% annually.²⁰ The result of this is debt bondage, a form of forced labour in which a person's labour is demanded as a means of repayment for a loan, trapping the individual into working for very little or no pay, or making it impossible to leave the employment until the debt is repaid.²¹

On arrival at the place of employment, many migrant workers have their passports or other identity documents confiscated by their em-

ployers. The ILO identifies the confiscation of workers' identity documents or other valuable personal possessions as an element of forced labour, if workers are unable to access these items on demand, and if they feel that they cannot leave the job without risking their loss.²²

Employers or agencies and brokers may be directly responsible for confiscating workers' passports. These documents may be held by employers with the express intention of preventing someone leaving before he or she has repaid the debt incurred. Alternatively employers may use this as a way of preventing the worker going to work for another employer, which may have better working conditions. In other words, this abusive practice permits employers to protect the financial investment made in the worker either in recruiting them or in the time spent training them.

Companies may also be indirectly responsible for these abusive practices by:

- Engaging in a business relationship with a supplier which confiscates passports or identity documents from migrant workers;
- Engaging in a business relationship with an agency or broker which charges recruitment fees to migrant workers;
- Not conducting adequate human rights due diligence to ensure that actual and potential business partners do not engage in these abusive practices;
- Not paying the true costs of recruitment to agencies or brokers which means these businesses charge the costs to workers instead;
- Engaging in purchasing practices such as

17.

For example, see: <http://betterwork.org/global/wp-content/uploads/Legal-brief-underlying-CAT-Forced-Labour-21-Feb-2013-FINAL-NORMES-CLEAN.pdf>

18.

From 'Island of Happiness Revisited: A Progress Report on Institutional Commitments to Address Abuses of Migrant Workers on Abu Dhabi's Saadiyat Island,' 2012, Human Rights Watch, Page24: <http://www.hrw.org/reports/2012/03/21/island-happiness-revisited-0>

19.

See Fair Hiring Initiative Presentation, Forced Labor and Trafficking Risks in Global Supply Chains, 2012, Expert Group Meeting: Human Trafficking & Global Supply Chains (12-13 November 2013), OHCHR Special Rapporteur in Trafficking, especially of women and children, Ankara, Turkey: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews>.

20.

Eg. In its 'Island of Happiness' report, Human Rights Watch found that South Asian workers (from India, Bangladesh, Pakistan) were paid on average \$2575 per year, but also paid \$4100 in fees to agencies. See: http://www.hrw.org/sites/default/files/reports/uae0509webwcover_4.pdf

21.

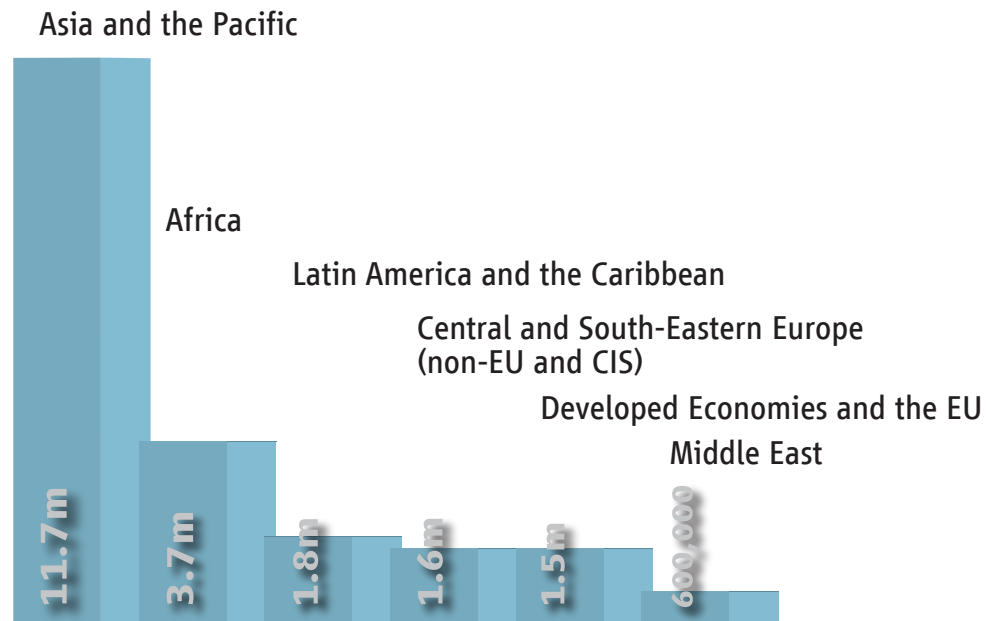
See: ILO Indicators of Forced Labour: http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang--en/index.htm

22.

Ibid.

Figure 1.

Worldwide incidences of forced labour (in absolute numbers), by geographical location.²³



placing orders with short lead times, or frequently fluctuating order levels, meaning suppliers are more likely to outsource recruitment and employment to low-cost businesses with abusive practices

Agriculture, construction, tourism, factory work (mainly textiles and garments), food processing and packaging, fisheries and domestic work are acknowledged as high-risk industries for forced labour.²⁴ Incidences of forced labour have been found in virtually every country in the world. Existing data does not tell us precisely how many of these incidences involve worker recruitment fees and/or the confiscation of workers' identity documents. However, numerous research reports produced by civil society and human rights organisations suggest that many cross-border migrant workers endure these abusive employment and recruitment practices.²⁵

Cross-border migrant workers²⁶ are especially vulnerable to these abusive employment and

recruitment practices, although not the sole recipients. Migrant workers often lack the language or knowledge of the destination country in which they are employed, lack a transparent employment contract which details their terms and conditions in a language he or she can understand, or are simply vulnerable due to the desperation born out of poverty which results in workers tolerating such rights abuses. Women migrant workers can be especially vulnerable.²⁷ Importantly, immigration regulation which links an immigration or employment visa to one particular employer who acts as a sponsor also makes migrant workers vulnerable, with the Kafala system the most well-known of these.²⁸ In effect, this means the migrant worker is legally "tied" to that employer if he or she wants to remain in the country with little or no power to challenge abusive employment conditions. It is also these environments in which freedom of association and specifically trade unions which can support workers are likely to be barred from operating.

23. See ILO Global Estimate of Forced Labour 2012: Results and Methodology: http://www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_182004/lang--en/index.htm

24. Ibid.

25. See Human Rights Watch, Amnesty and Verite for a selection of research reports about forced labour and trafficking: http://www.verite.org/research/indicators_of_forced_labor

26. Migrant workers are defined as individuals who are, who will be or who have been engaged in a remunerated activity in a state of which he or she is not a national. In some cases, "internal" migrant workers who are recruited within a country may face similar risks as those who cross national borders.

27. Pregnancy is a basis for termination and repatriation in many countries, which can lead to forced contraception and abortion.

28. The ILO Committee of Experts noted that the 'kafala' system in certain countries in the Middle East may be conducive to exacting of forced labour and has requested that governments concerned protect migrant workers from abusive practices. See: <http://www.ituc-csi.org/hidden-faces-of-the-gulf-miracle,9144>

Impacts associated with confiscation of identity documents

- Workers are vulnerable to unwarranted attention from local police and security services.²⁹
- Difficulties in accessing consular/diplomatic assistance, banking, healthcare and other services.
- Worker can become undocumented with no legal residence status, unable to find regular/ formal work, and without access to any medical or social services.
- Without identity documents, the worker will not be able to obtain other jobs or access essential services, and may be afraid to ask for help from authorities or NGOs.

Impacts associated with recruitment fees charged to workers

- Indebtedness of individuals and families.
- Inability to bargain over the terms and conditions of the job, due to debt bondage.
- Inability to complain about poor working conditions due to debt bondage.
- Inability to leave job/country due to debt.
- Inability to support their family through remittances, which is usually the primary purpose of migration.
- Need to migrate repeatedly for employment to service debt, leading to long-term family dislocation and inability to invest socio-economically in home community/economy.

3. International and national law on charging recruitment fees to workers and the withholding of workers' passports

Several international standards prohibit the charging of recruitment fees to workers and retention of workers' passports. (See Annex 1, below, for more about international standards.)

- Forced labour and trafficking are prohibited as serious human rights violations (ILO C29 1930; ILO C105 1957; ILO Declaration on Fundamental Principles and Rights at Work; Protocol).
- International law also prohibits debt bondage (ILO C95 1949; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956; ILO 189 2012).
- Most specifically, standards prohibit private employment agencies from charging recruitment fees or related costs to workers (ILO C181 1997) and the confiscating of workers'

passports by employers (ILO C189 2012; UN ICPRMW 1990).

Passports are official documents certifying an individual's identity and citizenship, allowing them to travel abroad under its protection. Accordingly, confiscation of passports by anyone other than government agencies is usually illegal under national laws. However, a minority of countries allow (or even require) employers' to retain migrant workers' passports.³⁰ Laws governing the confiscating of other types of identity documents are more variable.

Charging recruitment fees to workers is often illegal. For instance, in the EU, the Temporary Agency Work Directive, 2008/104/EC, which bans the charging of fees, applies.³¹ However

²⁹. Apart from holding someone in forced labour conditions, retention of identity documents may have other negative impacts. For example, carrying an original copy of an identity document is compulsory for foreign workers in many countries. Being stopped by the police or immigration authorities without proper documents may lead to the worker being detained or even deported.

³⁰. For example, Lebanon and Saudi Arabia. See US Trafficking in Persons Report 2012: <http://www.state.gov/documents/organization/192596.pdf>

several countries allow recruitment fees to be charged to workers in certain contexts, for example up to the equivalent of one month's salary.³² Notably, even where laws banning worker recruitment fees and/or confiscation of workers' identity documents exist many national governments lack the institutional capacity or will to implement or enforce them.³³

In addition to legislating on direct business practices, the US government recently attempted to make companies responsible for the activities of their business partners through US Executive Order 13627 Strengthening Prevention

of Human Trafficking.³⁴ This Order prohibits federal contractors, sub-contractors³⁵ and their employees – among them major companies in industries ranging from aerospace and defence to information technology, construction and energy – from engaging in trafficking-related activities. These are defined as: using misleading or fraudulent recruitment practices; charging employees recruitment fees; and destroying, concealing, confiscating, or otherwise denying an employee access to their identity documents, such as passports or drivers' licenses. As yet, there is little evidence as to its effectiveness.

4. Business responses to recruitment fees and retention of workers' passports

In recent years, high profile media coverage, dedicated and persistent activism by civil society groups, intense pressure from trade unions and transparency and disclosure regulation has helped to place trafficking and forced labour on corporate agendas. Companies have themselves also taken the initiative, recognising the reputational and legal risks of actual or perceived involvement in forced labour and trafficking.

Particularly worthy of note, a small, but leading, number of companies have become involved in the Global Business Coalition Against Trafficking (gBCAT) which was established in 2011 by business leaders to “mobilize the power, resources and thought leadership of the business community to end human trafficking, including all forms of forced labor and sex trafficking.”³⁶

Thus far, business responses to issues of recruitment fees and confiscating of identity

documents have been varied. Increasingly, the human rights impacts and risks associated with these practices have been included in company policy commitments, codes of conducts, risk assessments and audits, as illustrated below.

A. Including fee-charging and confiscation of passports in human rights policy commitments

Forced labour and trafficking are playing an increasingly visible role in the codes and policies through which companies set and communicate their expectations for suppliers and service providers.³⁷ Some companies now include a substantive focus on fee-charging and confiscating of workers' passports. The Arcadia Group, which includes Top Shop, Top Man, and BHS, in partnership with Next, Plc. has developed Migrant Worker Guidelines, targeted at its own practices as well as the factories with which it does business.

31. Temporary Agency Work Directive, 2008: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>

32. For example, the Philippines.

33. See US Trafficking in Persons Report 2012: <http://www.state.gov/documents/organization/192596.pdf>

34. See: <http://www.gpo.gov/fdsys/granule/CFR-2013-title3-vol1/CFR-2013-title3-vol1-eo13627/content-detail.html>

35. The California Transparency in Supply Chains Act 2010 does not refer to specific business practices.

36. See <http://www.gbcat.org/>

37. IHRB and GBI, 2012, State of Play: The Corporate Responsibility to Respect Human Rights in Business Relationships: <http://www.ihrb.org/publications/reports/state-of-play.html>

The Guidelines state that employment is freely chosen; that workers are not required to lodge “deposits” or their identity papers, including passports, with their employer and are free to leave their employer after reasonable notice. The Guidelines also include clauses on non-payment of fees by migrants; that suppliers should pay all costs, including travel and other costs associated with the migration process; that no reimbursements or inducements must be received or sought from agencies; that there should be no recouping of fees paid to recruiting agencies from the worker on arrival; that suppliers must always allow the worker to retain his or her passport and keep photocopies on file and that deductions from wages not provided by national law be permitted without the express permission of the worker concerned.³⁸

Arcadia’s Code is included in the contract with its business partners and is further detailed in a Supplier Handbook and in supplier training sessions.³⁹ Arcadia Group and Next Plc. sought involvement of trade union and civil society partnerships in developing the guidelines. There are many resources to help companies develop relevant and specific policies, including the Dhaka Principles for Migration with Dignity (see Figure 2, right) and Verite’s Fair Hiring Toolkit⁴⁰.

B. Including fee-charging and passport confiscation in risk assessments

The UN Guiding Principles on Business and Human Rights provide the overarching framework for companies to begin to address risks to human rights in addition to their broader and more conventional business risk assessments. Some companies are at the early stages of thinking about how to develop and integrate risk assessments specifically related to forced labour and trafficking in the context of complex

Box 1: The Dhaka Principles for Migration with Dignity⁴¹

Developed by IHRB through a multi-stakeholder process, the Dhaka Principles for Migration with Dignity are a set of human rights principles to enhance respect for the rights of migrant workers from the moment of recruitment, during overseas employment and through to further employment or safe return to home countries. Principle 1 states that the employer should bear the full costs of recruitment and placement. Principle 4 states that migrant workers should have free and complete access to their own passport, identity documents and residency papers and enjoy freedom of movement.

supply chain business relationships.

End Human Trafficking Now (EHTN)⁴² in partnership with Exxonmobil and Microsoft, is exploring how to integrate a multitude of data sources on trafficking and forced labour into corporations’ assessment processes. EHTN is in the process of developing a fit-for-purpose web-based platform on risk assessment, gap analysis and mitigation tools to identify/prevent human trafficking in companies’ supply chains. This tool will help companies map their global purchasing orders against a ‘heat map’ based on these data sources, in order to prioritise severity of risk. It will assess whether or not companies and their suppliers’ purchasing practices contribute to forced labour and trafficking.

This toolkit will utilise reports such as the US Department of State’s ‘Trafficking in Persons’ report and the US Department of Labor’s ‘List of Goods Produced by Child Labor or Forced Labor’ report,⁴³ to provide companies with essential details about the level of country-level risk associated with business relationships. The tool will also assess companies’ recruitment policy and practice, including the issue of charging recruitment fees to workers and employer’s confiscating workers’ identity documents. Companies can use the toolkit to screen actual and potential suppliers, through an online self-assessment form.

38. <http://www.arcadiagroup.co.uk/fashionfootprint/code-of-conduct>

39. <http://www.arcadiagroup.co.uk/fashionfootprint/code-of-conduct-and-guidebook/Guidebook-part-4.pdf>

40. <https://www.verite.org/helpwanted/toolkit>

41. www.dhakaprinciples.org

42. <http://www.endhumantraffickingnow.com/>

43. <http://www.dol.gov/ilab/programs/ocft/2012TVPR.A.pdf>

Box 2: Employment & Recruitment Agencies Guide⁴⁴

In June 2013, the European Commission issued a Guide on implementing the UN Guiding Principles for Employment and Recruitment Agencies, co-authored by IHRB and Shift. This Guide is intended to help companies “translate” respect for human rights into their own systems and cultures. The Guide addresses the potential risks that can arise at all stages of the international recruitment process, including arrangement and provision of accommodation and transportation.

C. Addressing fee-charging and passport confiscation

After a media expose revealed the exploitative working conditions of South Asian migrant workers, in Mauritius - which included worker recruitment fees and confiscation of workers' passports - clothing supplier,⁴⁵ CMT initiated an overhaul of its recruitment processes and review of business partners with its leading clients. Root cause analysis identified violations of workers' rights along the long recruiting chains of agencies involved in bringing the workers from Sri Lanka and Bangladesh to Mauritius.

Corrective action involved CMT making the operational decision to only work with one agency in the origin country rather than with long subcontracting chains of agencies. Senior CMT managers trained in the revised migrant worker compliance standards were sent to oversee each recruitment drive. Most significantly, CMT decided to pay for the cost of recruitment, which included air tickets for the migrant workers, food, lodging and medical insurance of the workers in order to prevent and mitigate the risk of fee-charging.⁴⁶

In another example, Coca Cola identified confiscation of workers' passports as widespread in their supplier factories in the Persian Gulf region. The practice was aggressively defended by factory representatives as perfectly legal and customary practice in the region. Root cause analysis undertaken by Coca Cola representa-

tives, which included the retention of local law firms from seven countries in the region as well as discussions with suppliers, revealed that with the exception of Saudi Arabia, no country required the confiscating of passports from migrant workers; most expressly prohibited it. In fact, the factories confiscated worker passports specifically in order to prevent workers leaving.

In response, Coca Cola approached the ILO, US Departments of State and Labour and other external stakeholders for assistance, implemented remediation processes through supplier forums, connected suppliers to national government Labour Departments so that they could be better educated and monitored, and held one-on-one dialogue with suppliers. Subsequent tracking and monitoring undertaken by Coca Cola determined that practices had rapidly changed as a result.

D. 'Knowing and showing' - company responses to worker recruitment fees and withholding of passports

In response to the identification of the practice of the confiscating of workers' passports which was taking place in supplier factories, global semiconductors company, NXP, implemented a policy of making workers' identity documents available for workers without requiring any fee to be paid and without any time delay. This policy was implemented in three phases starting with NXP's own factories three years ago. The second phase involved the implementation of the policy at labour agents that provide workers to NXP factories. The third phase of the implementation is currently being carried out at all NXP suppliers and contractors where safekeeping of worker passports by suppliers/contractors is still allowed until 2014 but with strict conditions that workers voluntarily allow

44. <http://www.ihrb.org/publications/reports/human-rights-guides.html>

45. See Clean Clothes Campaign, False Promises, 2009, <http://www.cleanclothes.org/resources/publications/migrant-workers-internal.pdf/view>

46. See <http://www.nosweat.org.uk/story/2007/08/22/top-shop-clothes-made-workers-paid-22-40-pence-hour>

the safekeeping of their passports and they can have immediate access to the passports without having to pay any fees.

Constant monitoring and assessment ensures that the policy requirements are adhered to at all times at NXP facilities, and by labour agents, suppliers and contractors. According to NXP, the key to success was incorporating the policy into an auditable standard that was communicated to all NXP suppliers and contractors, with clear consequences if requirements in the standard are not met, for example, a business relationship with one of the labour agencies that refused to comply was terminated.

Implementing the revised policy started three years ago and compliance assurance is a continuing and ongoing effort. NXP continues to review this policy. NXP's revised Code of Conduct now states that no one shall be deprived of his or her identity papers upon starting work with NXP.⁴⁷ In addition, NXP has formalized a Supplier Code of Conduct, which includes provision on non-retention of worker identity documents.

Internal tracking and monitoring is also being used by one company to help construct the business case necessary to build or retain internal support for change. This is especially important as initiating change such as moving to a business model in which companies pay the full costs of recruitment rather than allowing recruitment fees to be charged to migrant workers may be expensive. A service provider, FSI Worldwide, which recruits workers, plans to conduct a pilot project in the construction sector in the Gulf region. This project has the aim of empirically demonstrating that an ethically recruited workforce which has not paid recruitment fees, has not had their identity documents

confiscated, and which is appropriately trained and professionally managed is more productive than a workforce that is recruited based on a vulnerability or willingness to enter into debt bondage. Indicators such as turnover and retention rates, sickness rates, the cost of training, and the productivity benefits from having a more skilled workforce recruited on merit rather than ability to pay will be monitored.

E. Remediating fee-charging and confiscation of passports

The UN Guiding Principles state that where a company identifies that it has caused or contributed to negative human rights impacts, it should provide for or cooperate in their remediation through legitimate processes.

In 2009 Apple implemented audits of suppliers, including employment and recruitment agencies. The audits revealed that workers in Apple supplier factories had been charged high recruitment fees, leading to debt bondage. In response, Apple instituted a fee-reimbursement programme with the assistance of a non-profit partner, Verité. Where workers have paid fees amounting to more than one month's salary, this was refunded by Apple suppliers in accordance with Apple's Code of Conduct.⁴⁸ Since 2008, a total of US\$13.1 million has been reimbursed, including US\$6.4 million in 2012.

Changing policy on worker recruitment fees and confiscation of workers' identity documents should be straightforward, but the examples outlined here illustrate the challenges that companies face. These are summarised below.

47. http://media.corporate-ir.net/media_files/irol/19/196805/corpgov/Business_Code_of_Conduct.pdf

48. Apple Supplier Code of Conduct requires that workers must not be required to surrender any government-issued identification, passports, or work permits as a condition of employment. Where workers are required to pay a fee in connection with obtaining employment, Suppliers shall be responsible for payment of all fees and expenses in excess of the amount of one month of the worker's anticipated net wages. Such fees and expenses include, but are not limited to, expenses associated with recruitment, processing, or placement of both direct and contract workers. See: http://www.apple.com/supplierresponsibility/pdf/Apple_Supplier_Code_of_Conduct.pdf

5. Challenges for companies in tackling these issues

Addressing legal compliance versus complying with human rights standards on recruitment fees and confiscation of identity documents:

Companies seek to comply with national laws in place in the country of operation. However, national laws governing recruitment fees and confiscation of identity documents are variable as identified above. Even where national laws prohibit both practices (eg. the Phillipines), many national governments lack the institutional capacity or will to implement or to enforce the laws, meaning both are often customary practice in many regions. This can make for challenging operating contexts for companies.

Even where states do not or are not able to protect their citizens, businesses still have a responsibility to respect human rights. The UN Guiding Principles on Business and Human Rights emphasise that where national laws are inconsistent with international human rights standards, companies should try to comply with the latter. In other words, even in countries in which workers are legally and / or commonly charged recruitment fees or their identity documents are confiscated by employers, companies should move towards prohibiting these practices in their own operational practices as well as through exerting leverage through business relationships with actual and potential partners in their supply chains.

Paying the full costs of recruitment costs companies more:

The following quote, from a company representative interviewed by a human rights organisation, illustrates the challenge:

“It’s clear that if we choose the cheaper agency, they’re going to get their fee from the other end, from the worker. So it’s a cost issue; if we pay the recruiting agency that is charging us, it’s going to cost us a lot more for those workers. So sometimes we just close our eyes and go with the cheaper agency, and don’t ask any questions.”⁴⁹

However, anecdotal evidence suggests that there are likely to be significant benefits to companies of paying the ‘true’ costs of recruitment rather than allowing agencies and brokers to charge recruitment fees to workers. These benefits include: reduced rates of workers absconding, better retention of workers, higher productivity rates, as workers are selected on merit and skill rather than on ability to pay. Tracking the impacts of policy and process changes will enable supportive business cases to be built.

Finding responsible business partners can be challenging:

In operating contexts where charging recruitment fees and confiscating identity documents is common, finding business partners who can be trusted to not engage in these practices can be challenging. Furthermore, the number and complexity of business relationships in supply chains has grown significantly over recent years, which makes oversight difficult.

However, supply chains are composed of multiple business relationships which are negotiated, contracted for and monitored. Prohibiting these two employment and recruitment practices can be included in contractual relationships with direct business partners and monitored.

49. See: <http://www.hrw.org/reports/2012/03/21/island-happiness-revisited-0>

Companies can also search for agencies which have explicit codes which forbid the charging of recruitment fees to workers. For instance, the Code of Conduct of the International Confederation of Private Employment Agencies (CIETT) forbids member companies from charging directly or indirectly, in whole or in part, any fees or costs to jobseekers and workers, for the services directly related to temporary assignment or permanent placement.⁵⁰

Auditing does not always reveal what is happening down the supply chain:

Traditional approaches such as auditing have been reported to be imperfect and insufficient means of doing human rights due diligence, especially where human trafficking and forced labour is concerned. It is currently rare for workers to be asked about how they were recruited and what levels of debt they may have incurred, which means that these practices are often left hidden. Workers may be too frightened to reveal any abusive recruitment and employment

practices or because revealing they have paid high recruitment fees may result in him or her losing the job and / or immigration status, which then leads to an inability to repay the debt incurred in order to get the job.

However, asking workers whether they have been charged recruitment fees or had their identity documents confiscated at any stage is an essential component of human rights due diligence. Utilising independent third parties who will be trusted by workers is a better way for companies to find out whether workers have been charged recruitment fees and / or had their passports withheld by employers. In addition, having in place a grievance mechanism through which workers can report whether they have had their passport confiscated or have been charged fees is essential. As well as providing access to remedy for migrant workers, effective grievance mechanisms enable companies to maintain 'eyes and ears' onto the factory floor.

6. Conclusions and Recommendations

Charging recruitment fees to workers and confiscating passports are both defined as practices which can constitute or lead to forced labour, a serious human rights violation.⁵¹ Worker recruitment fees, typically massively inflated by compound interest rates, can lead to debt bondage.⁵² This is when a person's labour is demanded as a means of repayment for the loan and he or she is trapped into working for little or no pay, or is unable to leave the employment until the debt is repaid.

Confiscating of passports allows employers to control workers' freedom of movement and

prevent them from leaving the employment. This is also identified as forced labour if workers are unable to access their documents on demand and if they feel they cannot leave jobs without risking their loss.⁵³

Employers or agencies and brokers may be directly responsible for charging migrant workers recruitment fees or withholding their passports. Companies may also be linked to these abusive practices via their business relationships. Indirectly, companies may be implicated through not paying the full costs of recruitment or through engaging in purchasing practices

50. http://www.ciett.org/fileadmin/templates/ciett/docs/CIETT_Code_Conduct.pdf. CIETT is also in the process of developing a migrant worker addendum to this Code.

51. ILO Indicators of Forced Labour: http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang--en/index.htm

52. Ibid

53. Ibid

such as placing orders with short lead times, or frequently fluctuating order levels, meaning that suppliers may be more likely to outsource recruitment and employment to low-cost businesses with abusive practices.

Agriculture, construction, tourism, factory work (mainly textiles and garments), food processing and packaging, fisheries and domestic work are all acknowledged as high-risk industries for forced labour.⁵⁴ Incidences of forced labour have also been found in virtually every country in the world. Existing data does not tell us precisely how many of these incidences involve worker recruitment fees and/or the confiscation of workers' identity documents. However, numerous research reports from civil society and human rights organisations suggest many cross-border migrant workers endure these abusive employment and recruitment practices.⁵⁵

Migrant workers can be especially vulnerable to these human rights violations, lacking the language and knowledge of the destination country, or lacking a transparent employment contract. Vulnerable or marginalised workers may find it particularly hard to raise complaints. In addition, immigration regulations which involve employment sponsorship, especially the 'Kafala' system in the Gulf region, can make migrants more vulnerable to abuse.⁵⁶

Business responses to charging recruitment fees to workers and confiscating of workers' identity documents have thus far have been limited, albeit varied. Responses range from explicitly prohibiting charging of recruitment fees to workers and retaining workers' passports in company policy commitments and codes of conduct, including these issues in risk assessments and reimbursing recruitment fees to workers.

The extent of the continuing practices highlights nevertheless that the international response from global business and from governments is as yet wholly inadequate. Governments must protect against human rights abuse within their territory and / or jurisdiction by third parties, including business enterprises. Companies – the subject of this report – also have clear responsibilities to respect human rights. Accordingly, this report makes ten key recommendations to business. These recommendations are based on research, feedback from participants who attended the IHRB expert meeting held in Atlanta on the subject of addressing human trafficking and forced labour in business relationships in the context of supply chains, as well actions that are considered good practice by the ILO and other international bodies.⁵⁷

54. ILO Global Estimate of Forced Labour 2012: Results and Methodology: http://www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_182004/lang--en/index.htm

55. For example, see <http://www.hrw.org/publications>

56. The ILO Committee of Experts noted that the 'kafala' system in certain countries in the Middle East may be conducive to the exaction of forced labour and has requested that the governments concerned protect migrant workers from abusive practices. Cited in ITUC report, 2011, Hidden Faces of the Gulf Miracle, <http://www.ituc-csi.org/hidden-faces-of-the-gulf-miracle,9144>

57. See <http://betterwork.org/global/wp-content/uploads/Legal-brief-underlying-CAT-Forced-Labour-21-Feb-2013-FINAL-NORMES-CLEAN.pdf>

Recommendations to business

- 1. Companies should ensure that they pay the full costs of recruiting migrant workers.** Business partners should be strictly prohibited from charging recruitment fees to workers. Companies should not work with agencies and brokers known to charge recruitment fees to workers and should end business relationships with agencies and brokers found to have done so. This policy should be communicated externally to all prospective and actual business partners and to relevant stakeholders.
- 2. Companies should strictly prohibit the confiscating of workers' passports or other identity documents by employees and by business partners.** Companies should provide safe storage facilities for workers' identity documents where requested to do so by workers, and they should be freely accessible to workers at all times. This policy should be communicated externally to all prospective and actual business partners and to relevant stakeholders.
- 3. Companies should draft specific migrant worker guidance to substantiate how the company will implement, monitor and enforce the two above policies.** Policies and guidelines should be included in contracts with business partners and in supplier handbooks. It may be necessary to devise training for relevant personnel to support implementation of these policies.
- 4. Companies should include the issues of recruitment fees and confiscating of identity documents in all human rights due diligence processes.** Workers should always be asked anonymously and confidentially – preferably by independent third parties - whether they were charged recruitment fees or have had their identity documents confiscated either en route to the job or in the place of employment. Human rights due diligence processes include human rights risk assessments, audits and corrective actions undertaken to prevent or mitigate relevant potential or actual human rights impacts identified, and tracking and communicating impacts.
- 5. Where evidence of fees being charged to workers is revealed, companies should immediately seek to reimburse these fees to the workers.** A root cause analysis should be undertaken and the appropriate corrective actions put in place to prevent, mitigate or remediate as appropriate. This may include making revisions to policies and procedures or may involve ending business relationships with the organisations which have been responsible for charging recruitment fees to workers.
- 6. Where evidence of confiscation of workers' identity documents is revealed, companies should ensure these documents are immediately returned to the workers.** A root cause analysis should be undertaken and the appropriate corrective actions put in place to prevent, mitigate or remediate as appropriate. Corrective actions may include making revisions to policies or procedures or in some cases may involve ending business relationships with the organisations which have been responsible for charging recruitment fees to workers.

7. **Where human rights due diligence identifies a risk of recruitment fees being charged at the point of recruitment – for instance where this is known to be a widespread practice in workers’ country of origin - companies should implement a greater degree of direct oversight over recruitment processes to workers’ country of origin in order to prevent and mitigate these risks.** At the least this could include company representatives attending recruitment campaigns in countries of origin. Companies may also want to explore the benefits of undertaking direct recruitment themselves without an agency’s services.
8. **Companies should track and monitor the impact of any changes in policies and operational practices in order to ensure that the desired change is being achieved and without any unintended consequences which have negative human rights impacts.** Tracking can help to build continuous improvement to policies and processes. Ensuring transparency is also important: performance on these policy changes should be communicated to stakeholders, investors, public authorities and workers themselves.
9. **Companies should implement effective operational level grievance mechanisms in order to ensure workers have access to remedy where they have been charged recruitment fees or had their passports confiscated.** Gaining access to remedy for migrant workers is especially challenging given the gap between territorial jurisdiction in the destination country – the place of employment – and origin country. This means that it is especially important for companies to ensure that their grievance mechanisms are effective. Effective grievance mechanisms can also provide companies with ‘eyes and ears’ to the factory floor in addition to more formalised auditing procedures.
10. **Companies should ensure that in their efforts to address problems associated with recruitment fees and worker document retention, other human rights concerns are not neglected as a result.** For example, freedom of association and the right to collective bargaining should be respected by all businesses. Trade unions and other worker representatives are central partners in ending these and other abusive business practices.

Annex 1: Definitions of Forced Labour and Trafficking and national legal frameworks

1. ‘Forced labour

‘The ILO Forced Labour Convention, 1930 (No. 29), defines ‘forced or compulsory labour’ (‘forced labour’) as ‘all work or service which is exacted from any person under the menace of any penalty and to which the said person has not offered himself voluntarily’ (Article 2(1) of Convention No. 29).

‘Work and services’ includes all types of work, employment or occupation, whether legal or not. ‘Any person’ refers to adults and children of any nationality. ‘Menace of penalty’ includes all forms of criminal sanctions and other forms of coercion, including threats, violence, retention of identity documents, confinement, non-payment or illegal deduction of wages, or debt

bondage (for instance owing to advances in recruitment/brokerage fees). A test is whether a person is free to leave employment without losing any rights or privileges. 'Voluntary' means that workers must give their free and informed consent when entering employment and during the employment relationship. Free and informed consent is negated by deception or coercion of the employer or recruiter.

2. 'Human trafficking'

Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Conventions against Transnational Organised Crime, 2000 ('the Trafficking in Persons Protocol') defines 'trafficking in persons' or 'human trafficking' as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The definition of 'human trafficking' has three elements: an 'act' conducted for the 'purpose' of exploitation (including forced labour) by particular 'means', for example threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of position of vulnerability. The 'act' is defined broadly to cover all the common stages of human trafficking: recruitment, transport and exploitation.

Human traffickers could therefore be brokers, recruitment agencies, employers or anyone else who recruits, transports, transfers, harbours or receives a trafficking victim. Smuggling of migrants is done to allow the entry of migrants across State borders illegally, often against a fee, and is conceptually distinct from human trafficking in law.

3. 'Slavery' and 'institutions and practices similar to slavery'

Article 1 of the 1926 Slavery Convention defines 'slavery' as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised' and 'slave trade' as 'all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves'.

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, adds debt bondage, serfdom, servile marriages and certain forms of child labour as 'institutions and practices similar to slavery' (Article 1). The Statute of the International Criminal Court defines 'enslavement' in Article 7(2)(c) as 'the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children'.

It should also be noted that the ILO recognises that all workers deserve legal protection from abuse and exploitation, regardless of the legality of the work they perform under the law

of the state where it is performed, whether it takes place in the formal or informal economy, or whether the worker has an legal right to work in the country concerned.

4. Declaration on Fundamental Principles and Rights at Work

In 1998, the tripartite bodies of the ILO - governments, workers and employers' organizations - adopted the ILO Declaration on Fundamental Principles and Rights at Work.⁵⁸ The Declaration provides that the elimination of forced labour is among the four core labour standards that all ILO member States must respect, promote, and realise, even if relevant conventions have not been ratified (Clause 2(b)). The Declaration makes it clear that these rights are universal, and that they apply to all workers in all States - regardless of the level of economic development. It particularly mentions groups with special needs, including the unemployed and migrant workers.

5. Standards relating to charging workers recruitment fees and withholding identity documents

Charging fees to workers for recruitment and withholding or confiscating passports both constitute human rights violations. Regarding fee-charging specifically, ILO Convention 181, 1997 (cited above) decrees that private employment agencies should not charge fees or costs to workers.⁵⁹ More broadly, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956,⁶⁰ commits signatory states to abolition of debt bondage within their territories.

Two further ILO Conventions prohibit the salary deductions that are often a constituent part of the practice of debt bondage. The ILO Protec-

tion of Wages Convention, 95, 1949,⁶¹ Article 9, stipulates that any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited. More recently ILO Convention 189, Domestic Workers, 2012, Art. 15(e) stipulates that Member States should take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.⁶²

ILO Convention 189 also prohibits the withholding of domestic workers' passports by employers (Article 9(c)). In addition, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 21) state that an employer is in no circumstances allowed to confiscate the passport of a worker.

58. See <http://www.ilo.org/declaration/lang--en/index.htm>

59. Convention 181 defines private employment agencies as any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services: services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom; services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks; other services relating to jobseeking, determined by the competent authority.

60. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>

61. http://www.ilo.org/dyn/normlex/en/f?p=1000:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C095,%2FDocument

62. Convention 189, Domestic Workers, 2012: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_208561.pdf

Annex 2: Multi-stakeholder Initiatives, Tools and Resources

A. United Nations (UN) Guiding Principles and Implementation:

- Protect, Respect and Remedy” Framework:
<http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>
- Guiding Principles on Business and Human Rights:
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
Office of the High Commissioner for Human Rights (OHCHR), Interpretive Guide to the Corporate Responsibility to Respect Human Rights:
<http://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>
- Principles for Responsible Contracting:
<http://www.ohchr.org/Documents/Issues/Business/A.HRC.17.31.Add.3.pdf>
- Working Group on Business and Human Rights:
<http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>
- European Commission, “Introductory guide to human rights for smaller businesses”:
http://ec.europa.eu/%20enterprise/policies/sustainable-business/corporate-social-responsibility/human-rights/index_en.htm

B. Organisations:

- End Human Trafficking Now:
<http://www.endhumantraffickingnow.com/>
- Global Business Coalition Against Trafficking:
<http://www.gbcat.org/>
- UN Global Initiative to Fight Human Trafficking:
http://www.ungift.org/docs/ungift/pdf/Athens_principles.pdf

C. ILO Guides:

- “Combating forced labour: A handbook for employers and business”:
<http://www.ilo.org/sapfl/>

[Informationresources/ILOPublications/WCMS_101171/lang--en/index.htm](http://www.ilo.org/public/ed_protect/protrav/travail/documents/publication/wcms_170438.pdf)

- “Decent Work for Domestic Workers: Convention 189 and Recommendation 201 at a Glance”:
http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170438.pdf
- “Guide to Private Employment Agencies: Regulation, monitoring and enforcement”:
http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/instructionalmaterial/wcms_083275.pdf

D. Other Resources:

- Employment & Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights:
<http://www.ihrb.org/publications/reports/human-rights-guides.html>
- Athens Ethical Principles:
http://www.endhumantraffickingnow.com/?page_id=77
- Luxor Protocol on implementation of the Principles:
http://www.endhumantraffickingnow.com/?page_id=79
- Verité and Manpower Group, “An Ethical Framework for Cross-Border Labor Recruitment”:
http://www.verite.org/sites/default/files/ethical_framework_paper_20120209_PRINTED.pdf
- ILO, Country information:
<http://www.ilo.org/normlex>
- Transparency International, Corruptions Perception Index:
<http://www.transparency.org/research/cpi/overview>
- US State Department, Annual Human Rights Reports
- OHCHR, Migration and Human Rights:
<http://www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx>
- U.S. Department of State, “Trafficking in Persons Report”:
<http://www.state.gov/j/tip/rls/tiprpt/>
- Research on Indicators of Forced Labour in the Production of Goods: A Multi-Country Study”:
http://www.verite.org/research/indicators_of_forced_labor

