B4IG Fair Recruitment Toolkit for Employers & Service Providers

Designed to support the recruitment of migrant workers
Disclaimer

About B4IG: Business for Inclusive Growth (B4IG) is a global CEO-led coalition of major companies fighting against inequalities of income and opportunity. With the OECD as its Strategic Partner, B4IG coordinates with governments to advance inclusive growth at both global and local levels. More information can be found at www.b4ig.org.

The opinions and arguments expressed herein are those of the authors and do not necessarily reflect the official views of the OECD or its member countries.
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Context

In today’s global economic setting, an increasing number of workers travel outside their home countries in pursuit of decent work, better livelihood opportunities, and stable environments. These migrant workers represent almost 164 million people worldwide, with women making up 48.4% (ILO, 2022). They play a core role in the global economy by bridging critical labour shortages in destination countries and by developing their own countries through business, trade networks and remittances.

During this professional journey, workers, particularly low-skilled workers, can be subject to discrimination, recruitment mistreatment, and exploitation due to the irregular conditions and environments to which they are exposed.

Governments, international organisations, civil society, and the private sector must collaborate to address this cross-sectoral and global concern.

Employers and service providers can also take several steps to address risks for migrant workers and protect their human rights. In doing so, they support their workers and their businesses, which results in:

• the integration of corporate values,
• the alignment of evolving regulatory frameworks,
• the creation of safe working environments, which in turn lowers turnover rate and enhances productivity,
• avoidance of unforeseen financial consequences,
• allows employers and service providers to maintain a social license to operate.

Purpose

This toolkit explores the core principles of fair recruitment, as well as the risks to workers and businesses in the absence of fair recruitment. It provides operational information on how to choose a recruitment agent, how to implement a no-fees recruitment policy, and how to design and create an effective grievance mechanism, among other steps.

Target groups: Employers and providers (manpower/service).

Target audience: human resources, procurement professionals, human rights and development practitioners within Human Resources, Procurement, Corporate Social Responsibility teams, Ethics departments, and any other relevant branch(es) managing recruitment procedures of companies.

It can be useful for beginners and advanced practitioners to identify new tools and methods to create effective change.

Structure

The documents provides insights to improve existing recruitment conditions and practices by providing key actions, checklists and tools for each step of a worker’s recruitment journey.
## Key terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Decent work</td>
<td>Decent work is work that is productive and delivers a fair income; security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, organise and participate in the decisions that affect their lives; and equality of opportunity and treatment for all people.</td>
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<tr>
<td>Destination country/countries</td>
<td>A country in which the migrant worker will be working, has worked, or will work for pay.</td>
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<td>Employer</td>
<td>An individual or an enterprise that hires one or more employees and has the power to direct and control the work of such employees.</td>
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<td>Employment offer</td>
<td>A detailed agreement between a company and a candidate that outlines the terms and conditions for both parties.</td>
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<tr>
<td>Employment contract</td>
<td>A legally binding agreement between an employer and a worker that outlines the nature of work, compensation, standard working hours and provisions for termination of employment.</td>
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<tr>
<td>Fair recruitment</td>
<td>The practice of recruiting workers through a process that is transparent, impartial and non-discriminatory; in line with law and international labour standards; and undertaken with respect to human rights. Fair recruitment provides equal opportunities for all job seekers, regardless of gender, race, religion, nationality, political opinion, sexual orientation or other characteristics, and is based on merit. It also involves ensuring that workers are protected against exploitation, trafficking and abuse, and that they are not charged excessive fees or required to pay bribes.</td>
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<tr>
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<tr>
<td>Labour supplier</td>
<td>Also known as a “manpower supplier”, it is a person or company that provides workers to another person or company for the purpose of performing work. This includes labour contractors and employment service providers that recruit workers on behalf of an employer and place them in a job.</td>
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<tr>
<td>Migrant worker</td>
<td>A person who is engaged or has been engaged in a remunerated activity in a country of which they are not a national.</td>
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<tr>
<td>Recruitment agency, recruiter, or agent</td>
<td>A person or enterprise that recruits workers on behalf of an employer and charges a fee to the worker or the employer or both.</td>
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<tr>
<td>Recruitment fee</td>
<td>Any costs associated with the recruitment of a worker.</td>
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<tr>
<td>Service provider</td>
<td>A company or an individual who provides a particular service to clients or customers.</td>
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<tr>
<td>Source/sourcing country/countries</td>
<td>An individual's or a group's country of birth or former habitual residence before migrating abroad for work.</td>
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<tr>
<td>Sub-agent</td>
<td>An entity that is authorised by a recruitment and placement agency to carry out some or all of the functions of recruitment and placement on behalf of the agency.</td>
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## Abbreviation & Organisation

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<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
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<td>IOM</td>
<td>International Organisation for Migration</td>
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<td>UNGP</td>
<td>UN Guiding Principles on Business and Human Rights</td>
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1.a. Policies and procedures: Introduction

What is fair recruitment?

Fair recruitment practices involve ensuring that workers are not exploited, abused, or subjected to forced labour during the recruitment process, and that they are aware of their rights and the terms and conditions of their employment. Fair recruitment is essential for preventing worker exploitation and ensuring dignity throughout the recruitment, migration and employment process.

Employers play a critical role in addressing governance gaps in recruitment processes and regulations across source and destination countries. Labour suppliers and recruiters operating in global supply chains often charge workers for recruitment services, leading to debt bondage and forced labour. To combat this, employers must ensure that neither they nor their suppliers impose recruitment fees on workers at any stage of the hiring process, thereby promoting decent work and reducing the risk of forced labour.

As employers, service providers play a crucial role in safeguarding the welfare of migrant workers in the labour supply chain. Employers must implement systems to prevent abuse and protect themselves from reputational and financial harm. By prioritising worker wellbeing, employers can enhance their reputation, retain a more productive workforce, and ultimately improve their bottom line.

What are recruitment fees and related costs?

The term “recruitment fee” implies any costs associated with the recruitment of a worker. The ILO classifies the term as “payments for recruitment services by a candidate, payments made during recruitment, payments made in the case of direct recruitment by the employer or payments required to recover recruitment fees from workers.”

Examples of recruitment fees:

- Medical costs (i.e., medical tests or vaccination).
- Insurance (i.e., life, health and safety, welfare funds).
- Skills and qualifications certification (i.e., language skills, certificate attestation).
- Training and orientation (i.e., job orientation).
- Consumables (i.e., tools, uniform, safety gear).
- Travel and lodging (i.e., flight tickets, hotel and subsistence).
- Personal documents (i.e., application for passport, national identity cards).
- Administrative (i.e., application and service fees). - Agency or “administration charges” are the most common form of fees paid by workers during recruitment.
1.b. Policies and procedures: Fair Recruitment Policy

What is a fair recruitment policy?
A fair recruitment policy, and accompanying procedures, sets out a company's commitment to fair recruitment and provides guidelines for all stakeholders in meeting the expectations of this commitment. A fair recruitment policy is a critical starting point to mitigate the risks of worker exploitation and protect worker rights in labour supply chains.

What a policy should cover:

- **A commitment statement** to fair recruitment from the senior leadership of the company and non-discrimination throughout the hiring process.
- **Forced and child labour**: State the company's zero-tolerance policy towards forced labour, human trafficking, and child labour in its operations and supply chain.
- **Legal compliance**: Ensure adherence to local, national, and international labour laws, regulations, and conventions governing recruitment, including human rights and labour standards.
- **Equal opportunity and non-discrimination**: Define the company's stance on providing equal opportunity to all applicants, regardless of race, ethnicity, gender, age, religion, disability, or any other protected characteristic.
- **Recruitment process**: Describe transparent recruitment procedures, including job posting, application screening, interviews, and selection criteria, to ensure fairness and consistency.
- **Qualifications and experience**: Establish clear and objective criteria for assessing candidate qualifications and experience, focusing on skills, competencies, and relevant qualifications.
- **Compensation and benefits**: Commit to providing fair compensation and benefits packages in line with market standards, company policies, and legal requirements.
- **Migrant and temporary workers**: State that migrant and temporary workers receive equal treatment and protection, including fair recruitment, work contracts, and repatriation arrangements.
- **Privacy and confidentiality**: Guarantee the protection of personal information and privacy rights of all candidates during the recruitment process.
- **Grievance mechanism**: Outline a transparent and accessible mechanism for applicants to raise concerns related to the recruitment process and receive resolution.
- **Training**: Promote awareness and understanding of the fair recruitment policy among all employees, particularly those involved in the recruitment process, through training and regular communication.
- **Inclusive hiring**: Ensure that candidates are chosen based only on their qualifications, not on factors such as their race, gender, or religion. Inclusive hiring procedures attempt to level the playing field for all applicants in order to combat recruiting bias and discrimination of any kind.

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Understanding the Employer Pays Principle (EPP)

Employers can help ensure fair and free recruitment of migrant workers by adopting the international best practice Employer Pays Principle (one of the Dhaka Principles), which implies that no worker should have to pay recruitment and service fees or costs at any point during or after the hiring process. This includes:

- Any costs associated with applications, recommendations, hiring, or placement, and any administrative, overhead, and processing costs.
- Fees paid to any parties, including an employer, an agent, a sub-agent, or an intermediary.
- Pre-departure charge.
- Legal requirements such as deposits and/or bonds.
- Costs associated with documentation, approvals, and/or permits.
- Transportation costs (including taxes and other fees).
- Arrival, orientation, and onboarding.

The EPP in practice

Employers should audit their recruitment agencies and sub-agents. At each stage of the recruitment process, the worker should be told not to pay any money, and informed of how to report if they are asked to. During onboarding, workers should be asked if they have paid money for their recruitment and reimbursed where this has been demonstrated, with an appropriate agent sanction.
1. d. Policies and procedures: Action

**Actions:**
- Align company commitments to the EPP and the ILO definition of recruitment fees and related costs, and communicate the same to internal and external stakeholders.
- Ensure periodic checks are implemented to ensure that employees, business partners, and service providers are following company policies, risk mitigation measures, and action plans.
- Investigate any allegations or potential breaches of policy and take corrective actions.
- Include employment policies and procedures in the induction processes. Ensure that policies are in languages understood by the workers. Maintain records of training.
- Ensure there are opportunities and platforms for workers to raise their concerns or enquire about employment policies.
- Establish a plan to repay workers who have been charged fees.
- Take action against recruitment agencies that charge workers fees, such as recovering funds that have been charged to workers.

**Do the company’s (existing) policies have provisions or components that:**

1) Set out the employment contract details such as the minimum wage, daily or weekly working hours, and workers’ rights at all stages of employment?
2) Outline a free and fair recruitment process?
3) State all recruitment fees and related costs will be borne by the employer and not passed on to the worker?
4) Explain the complaint reporting procedures for workers and explains how to address concerns faced during recruitment? (for a grievance procedure)
5) Prohibit discrimination on the basis of race, gender, age, religion, sexual orientation, or other protected characteristics during recruitment?
6) Outline the monitoring of the recruitment process to ensure that agencies comply with the fair recruitment international standards?
7) Check for employment contract changes to ensure that no changes are made that disadvantage or endanger the worker, or diminish the rights or wages in the original contract?
8) Describe the repayment of recruitment fees and related costs (to workers who paid these fees)?

**Additional checks:**

1) Are the company policies enforceable in all service agreements between the labour recruiter and its business partners, including agents, sub-agents, and subcontractors?
2) Are copies of the policies given to workers when they join the company, and are they in a language that the workers understand? If not, are the policies explained to them in a language they do understand?
1. e. Policies and procedures: Tools

**Tool 1: Recruitment Policy Template [click here]**

The recruitment policy template outlines the main aspects of a fair recruitment policy such as a “zero recruitment fees” policy, measures to prevent the confiscation or retention of workers’ personal documents, and a process for handling recruitment fees claims and grievances.

It should also include elements about recruitment fees reimbursement, investigation and validation of all claims of recruitment fee payment, calculation for repayment amount, and reimbursement of workers who paid fees.

This document acts as a base and should be referenced throughout the recruitment journey to protect the rights and dignity of the workers and prevent exploitation.
2. a. Screening, contracting and monitoring recruiters (SCM): Recruitment Agent

A. Screening
- Create a preferred supplier list of recruitment agencies.
- Choose reputable agencies that are fully licensed by local authorities.
- Look for case studies and testimonials from candidates and clients.
- Select agencies that are honest, communicative, and employ transparent procedures.
- Ensure agencies respect applicable laws and fundamental principles and rights at work, and that they have policies and procedures against forced labour, abuse, and coercion.

B. Vetting
- Use questionnaires and open-source research.
- Request recommendations from trusted sources.
- Ask for supporting documents and evidence of commitment to fair recruitment principles.
- Request all licences in the country of origin and operation.
- Check past records for any criminal litigation or claims.
- Set clear standards and expectations before engaging with the agency.

C. Contracting
- Use a service agreement with recruitment agencies to require compliance on human rights and working conditions.
- Prohibit agencies from passing recruitment costs on to candidates and engaging in bribery or corruption.
- Advertise jobs in candidates’ native languages with a “no-fee” statement.
- Set processes for candidate sourcing and screening, and data protection and confidentiality.

D. Monitoring
- Ensure the recruitment agent is responding to queries promptly and professionally.
- Ensure the agent is complying with all relevant laws, including those related to data protection and equal opportunities.
- Provide feedback to the recruitment agent on their performance, including any issues or concerns that arise, and ensure they take appropriate action.
- Conduct an audit/performance assessment regularly to check compliance and methods of hiring candidates.
- Interview workers and ask the recruitment agency for records and contents of inductions.
### 2. b. Screening, contracting and monitoring recruiters (SCM): Actions

**Actions**

- Monitor the recruitment practices of recruitment agencies and labour suppliers through assessments and audits. Take strict measures against any breaches of the company's free recruitment and human rights policies.
- In the agreement with recruitment agencies, include a clause to prohibit the engagement of informal or unlicensed labour suppliers and sub-agents.
- Explicitly prohibit worker-paid recruitment fees and related costs within the company’s internal policies, code of ethics, and supplier code of conduct. **Ensure that workers are reimbursed for any recruitment fees and related costs they are found to have paid.**
- Require a breakdown of recruitment fees and related costs (specifying costs to be paid by each party) in bids submitted by recruitment agencies and in subsequent agreements with contract winners.
- Ensure representatives from the company are physically present along with the recruitment agency representatives during candidate interviews.

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<td><strong>Selection:</strong> Does the company have a recruitment policy and procedure that:</td>
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<td></td>
<td>1) Includes a process for due diligence of recruitment agencies?</td>
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<td>2) Is clearly communicated to candidates during the recruitment process and recomunicated to workers upon arrival?</td>
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<td><strong>Vetting:</strong> Does the company conduct due diligence to check whether:</td>
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<td>1) The recruitment agency is currently party to any litigation or has prior history of violations of contracts, laws, and/or international standards?</td>
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<td>2) The recruitment agency has all valid commercial registration, trade licence certificates and approvals to operate and recruit manpower in the country of origin and operation?</td>
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<td><strong>Contracting:</strong> Has the company made a formal agreement with the recruitment agency that:</td>
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<td></td>
<td>1) States that recruitment must be conducted in accordance with the company's recruitment policy and fair recruitment principles?</td>
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<td></td>
<td>2) Outlines the consequences of breaching any of its terms and conditions?</td>
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<td><strong>Monitoring:</strong> Does the company monitor the recruitment practices of its recruitment agencies to:</td>
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<td></td>
<td>1) Ensure corporate governance and ethical practices in its operations are followed by recruitment agencies and their sub-agents? (By, for example, monitoring recruitment drives with sending representatives.)?</td>
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<td></td>
<td>2) Ensure compliance of the recruitment agency with policies and procedures to promote fair recruitment and protect the rights of candidates through appliance of clauses and deduction if workers have paid fees?</td>
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2. c. Screening, contracting and monitoring recruiters (SCM): Tools

Tool 2: Fair recruitment costs responsibility matrix [click here]

This tool outlines the responsibilities of the employer, recruiter, and candidate for various recruitment-related costs, with the aim to ensure transparency and fairness in the recruitment process.

It clarifies what constitutes a recruitment-related cost, and who performs what action, across 21 items. It ensures that all operational costs of the agency are covered, including profit margin, and leads to the operational implementation of the EPP.

Tool 3: Recruitment services agency agreement template [click here]

The service agreement can be used as a reference template for contracting a recruitment agency and may be modified to suit the scope of work, applicable laws of the country, and other contractual requirements.
2. d. Screening, contracting and monitoring recruiters (SCM): Tools

Tool 4: Recruitment agency inspection checklist [click here]

The Recruitment agency inspection checklist is a template that aims to ensure that recruitment agencies comply with ethical and responsible recruitment practices before/after the recruitment drive. It helps employers and service providers decide whether or not to engage with an agency.

The checklist covers various aspects of corporate governance, policies and procedures, management of third-party agents, candidate sourcing and screening, costs of recruitment, job offer and personal data protection, as well as feedback and grievance mechanisms.
3. a. Transparent access to accurate information and employment contracts: Introduction

1. Policies
2. SCM
3. Contract and Transparency
4. Travel
5. Grievance
6. Restitution

Why is transparency important?

- Transparency and access to accurate information refer to the principles of openness and availability of reliable and truthful data or knowledge.
- Transparency ensures that information is readily available and accessible to those who need it, and that decision-making processes are clear and accountable.
- Access to accurate information ensures that workers have the necessary knowledge to make informed decisions about their lives and work.
- In general, transparency and access to accurate information contribute to the promotion of democracy, good governance, and the protection of human rights.
- Inclusion is an important part of transparency because it ensures that all individuals, regardless of their background, can participate fully in decision-making processes and have equal access to information.

Importance of contract transparency:

- Inaccurate information or misleading statements during the recruitment process can mean that candidates accept a job and conditions that they did not expect and can damage an employer’s reputation.
- It can also create a negative experience for candidates. Understanding the recruitment process and being prepared for each stage can reduce anxiety and stress. Employers must ensure that all information provided to candidates is accurate and up-to-date.
- Employers should be transparent about their recruitment process, including the relevant selection criteria and the recruitment timeline.
- All candidates must also have access to accurate information about all terms and conditions of migration and employment, including the job description, salary, benefits, and working conditions.
- Employers should provide this information in a clear and concise manner to avoid any misunderstandings or misinterpretations.
3. b. Transparent access to accurate information and employment contracts: Introduction

Avoiding contract substitution:

- Employers and recruitment agencies should provide workers with written employment contracts and offers of employment. These should conform to minimum standards for pay and conditions and translated into a language the worker understands. Any changes in employment terms should only be made with the worker’s full consent.

Contract substitution is a risk associated with employment offer and contracts:

- Contract substitution is the practice of changing the terms of employment to which the worker originally agreed, either in writing or verbally.

- A lack of contract transparency puts candidates at risk. Many workers do not know the process for raising a complaint in cases of employment offer or contract violation, and they can be left with recruitment debt and no means of returning home.

Importance of orientation:

An orientation provides critical information and supports migrant workers in integrating into their new work and living environment and avoid exploitation, abuse, and discrimination. The employer’s orientation is crucial for migrant workers because it helps them understand their rights, responsibilities, and the terms and conditions of their employment.

Key benefits include:

- Orientation is essential for recruitment in promoting employee well-being and performance.

- Recruitment agencies and employers should provide comprehensive pre-departure and post-arrival orientation on employment terms, legal rights, and responsibilities.

- Migrant workers may be unfamiliar with local norms and laws. An orientation and a buddy system can help these workers.
3. c. Transparent access to accurate information: Actions

**Actions**
- **Provide clear and accessible information.** Ensure that all information related to the terms and conditions of employment - including wages, benefits, and working conditions - are provided to workers in a clear and accessible format, in the worker's native language, before they accept the job offer.
- Recruiters must monitor sub-agents and **ensure transparency in information provided** to jobseekers.
- **Provide access to legal support** and advice to workers. This includes providing information on workers' rights, avenues for redress, and access to legal representation.
- **Ensure that workers' personal information is kept confidential and protected.** This includes ensuring that personal information is only used for its intended purpose and is not shared with third parties without the worker's consent.
- **Regularly communicate with workers.** Have open communication channels.

**Transparency towards candidates**
1. Do migrant workers have access to accurate information about their rights and working conditions, including their entitlement to minimum wage, working hours, and leave?
2. Have migrant workers been provided clear and transparent contracts, outlining the employment terms and conditions, including pay and benefits?
3. Have migrant workers been provided with access to a grievance mechanism to raise any concerns or complaints they may have?
4. Has the organisation created a WhatsApp/chat group or provided a hotline number for workers to access as part of the grievance mechanism?
5. Have migrant workers been provided with adequate training and support to enable them to perform their jobs safely and effectively?
6. Have measures been put in place to ensure the privacy and confidentiality of migrant workers' personal information?
7. Have measures been put in place to ensure that migrant workers are not discriminated against based on their race, ethnicity, religion, or nationality (equal pay for equal work)?
8. Have measures been put in place to ensure that migrant workers have access to affordable and safe housing, including the provision of on-site accommodation where necessary?
9. Have measures been put in place to ensure that migrant workers have access to social protection, including health insurance, unemployment benefits, and pensions?
10. Have measures been put in place to ensure that migrant workers have access to financial services, including bank accounts and remittance services?

**Transparency towards recruiters:**
1. Does the organisation provide advice on the methods used by the recruiter to contact the candidates?
2. Does the organisation transparently communicate the working and living conditions to the recruiters?
### 3. d. Transparency in employment contracts: Actions

**Actions**

- Contractually oblige all suppliers and recruitment agencies to **provide workers with translated written employment offers and contracts**, as well as a verbal explanation and discussion of the employment terms and conditions, especially for illiterate workers.
- Ensure that workers’ agreements to the terms and conditions of recruitment and employment is **voluntary and free from deception or coercion**. Job seekers should be allowed adequate time to read, consider, and accept the terms and conditions of employment before signing.
- **Give on-site orientation to workers** regarding their rights and responsibilities in a language that workers can understand. The orientation should include the distribution or display of materials for reference after the session.
- Ensure that the initial employment contract signed by the migrant worker prior to departure is **not substituted at a later stage** for another employment contract with less favourable conditions.

#### Does your company...

- [ ] 1) Ensure that are all workers are provided with a signed copy of their offer letter and contract, in a language they read and understand, prior to deployment?
- [ ] 2) Have a system to verify that the recruitment agency has clearly informed workers of their rights in the country of destination and the terms and conditions of their employment (such as audits or inspections of recruitment agents during this process)?
- [ ] 3) Interview new workers regarding their understanding and expectation of the terms and conditions of their employment and working conditions? (For example, as part of the orientation process.)
- [ ] 4) Have a policy prohibiting the substitution of original contract provisions with those that are less favourable to the worker?
- [ ] 5) Have safeguards to ensure that any changes to the employment contract are made with the knowledge and consent of the worker?
- [ ] 6) Maintain a record of workers’ documents, including but not limited to copies of passports, visas, national IDs, medical insurance cards, and employment offers and employment contracts?
- [ ] 7) Verify that the candidate’s salary, working conditions, and duties stated in the employment contract match those outlined during the recruitment process?
3. e. Transparent access to accurate information and employment contracts: Tools

**Tool 5: Employment offer** [click here](#)

The employment offer template can be used by employers and service providers to ensure transparency, fair and ethical recruitment practices when offering employment to migrant workers.

The template includes **guidelines to prevent discrimination and ensure transparency and clarity**. It also outlines the terms and conditions of the job, including salary, benefits, working hours, and other relevant details.

**Repatriation should be covered no matter the reason of departure**, and it should be agreed if it is covered by the recruitment agency (for example, during probation period) or the employer (after probation period, for example).
Tool 6: Employment contract click here

The employment contract template sets out the terms and conditions of employment between an employer and employee.

This template helps employers and service providers to clearly define the rights and responsibilities of both parties, including job duties, compensation and benefits, probationary period, annual and sick leave entitlements, work hours, overtime, and termination.

It also includes provisions for confidentiality and non-disclosure, as well as repatriation upon termination of the agreement.
4. a. Pre-departure and travel: Introduction

**Personal documents during travel**

- Workers’ contracts and identity documents should not be confiscated, destroyed, or forcefully retained by the employer. Doing so is considered an indication of forced labour.

- Employers can request worker’s personal documents to obtain employment contracts, work permits, and employment visas, but these must be returned to the worker after use.

- If the employer keeps personal documents for safekeeping, the worker must provide consent.

- The employer must provide appropriate locker facilities in any employer-provided accommodation, as workers have the right to retain their personal documents without violating company policies or receiving disciplinary action.

- The employer should not challenge workers’ right to terminate the employment contract at any time due to the company’s personal document policy.

**Ensuring migrant workers’ safety when travelling to their destination country of employment is key. Here are some considerations for employers:**

- Monitor medical service providers to ensure compliance with laws and avoid unnecessary medical tests.

- Arrange for safe travel and lodging from place of origin to destination accommodation.

- Ensure the safe return of workers who cannot meet entry/work requirements or wish to return within the initial employment period.

**Pre-departure**

- Labour supplier provides pre-departure training to migrant workers on their rights and obligations, travel, working and living conditions, and grievance mechanism.

- Secure the right visas and permits for workers and ensure the prompt return of identity documents.

**Repatriation**

- Interview workers to determine if ethical recruitment principles were followed. Take action in case of breaches.
### 4. b. Pre-departure and travel: Actions

**Actions**

- Incorporate **provisions on passport retention** into relevant company policies. As part of the employment induction programme, the service provider can include this provision on passport retention and communicate it in a language understood by the workers.

- Ensure that workers’ **written consent is obtained** before retaining their personal documents.

- Where personal documents are retained, ensure that the company has assigned representatives to release personal documents within **24 hours** of a worker’s request, or within **6 hours** in an emergency.

- Check the passport lockers on the company premises, where possible. Workers’ personal documents given to the employer for **safekeeping must be stored in a fire-proof safe**.

- Ensure that the company adheres to the **data protection laws** in the country.

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**Personal documents policy**

- 1) Does the company have policies and procedures that prohibit the confiscation of workers’ personal documents, including passports, work permits, and bank cards?

- 2) Do workers have access to their personal documents at all times?

- 3) Are personal documents requested by the employer only for the purpose of obtaining visas and permits for employment?

- 4) Does the company provide necessary arrangements in the accommodation facility (where applicable) for workers to store their personal belongings?

**If workers’ personal documents are held by the organisation for safekeeping:**

- 1) Are workers fully informed that they are entitled to keep their own documents without sanction?

- 2) Is workers’ consent obtained in writing before retaining their personal documents?

- 3) Is the process explained to workers in a language they understand?

- 4) Are personal documents returned to workers upon request, without any conditions?

- 5) Does the company have a system in place for the secure storage, handling, and return of documents?
4. c. Pre-departure and travel: Tools

**Tool 7: Passport consent form** [click here](#)

In exceptional circumstances where workers may need to leave their passports with the employer, the worker shall sign a passport consent form. The passport consent form will document the worker's agreement for the passport to be held by the employer for a defined period.

The form provides two options for workers to choose from: to keep their passport themselves or leave it with the employer for safekeeping. If the worker chooses to leave their passport with the employer, the form provides authorisation for the employer to keep the passport safe and secure and outlines the procedures for returning the passport to the worker upon request or in the event of an emergency.

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**Guidelines for Service Providers and Employers**

When creating a Passport Consent Form for Workers, it is important for service providers and employers to consider the following guidelines, at a minimum:

- **Keep the form simple:** The consent form should be simple and easy to understand. The form should be written in clear and concise language so that workers can readily understand what they are consenting to. The form should be made legible, both in the language primarily used by the company and in the worker's native language.
- **Provide clear instructions:** The form should include clear instructions on how to fill it out and what information is required. Workers should know who to submit the form to and whom to contact if they have any questions.
- **Explain the purpose:** The consent form should clearly explain the purpose of the request for the passport information. This includes why the information is needed and how it will be used.
- **Ensure confidentiality:** The form should include a statement on confidentiality and assure workers that their passport information will be kept confidential. Workers should feel comfortable providing their passport information knowing that it will not be shared with unauthorized parties.
- **Provide a withdrawal option:** The form should provide an option for workers to withdraw their consent at any time. This ensures that workers have control over their passport information and can remove their consent if they choose to do so.
- **Allow for alternative options:** The form should provide an option for workers to either keep their passport themselves or with the company for safekeeping purposes only.

By following these guidelines, employers and service providers can create a Passport Consent Form for Workers that is transparent, accessible, and compliant with data protection laws. This ensures that workers' privacy and confidentiality are protected.

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**Passport Consent Form for Workers**

I hereby authorize (Company Name) to keep my passport while I am employed with your company. I understand and agree that my passport will be kept in a safe and secure location. I also understand that my passport information will be kept confidential and will only be used for the purpose of facilitating my employment and related processes.

I hereby authorize (Company Name) to keep my passport while I am employed with your company. I understand and agree that my passport will be kept in a safe and secure location. I also understand that my passport information will be kept confidential and will only be used for the purpose of facilitating my employment and related processes.

I hereby authorize (Company Name) to keep my passport while I am employed with your company. I understand and agree that my passport will be kept in a safe and secure location. I also understand that my passport information will be kept confidential and will only be used for the purpose of facilitating my employment and related processes.

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Note: The form should be designed to correspond to the preferences of the worker, allowing them to keep their passport themselves or leave it with the employer for safekeeping. It should include clear instructions and provide options for workers to withdraw their consent at any time.
5.a. Grievance mechanisms and remediation: Introduction

What is a grievance mechanism?

- Grievance mechanisms provide formal and informal ways for workers to report cases of unfair recruitment, such as recruitment fees or deception about working conditions, and seek redress. They give a channel for workers to voice their concerns and seek solutions when their rights are violated.
- For suppliers, implementing a robust grievance mechanism can help to identify and address labour abuses in their supply chains, mitigate reputational risks, and improve relationships with buyers and other stakeholders. A well-designed grievance mechanism can also help to prevent labour disputes and improve labour-management relations.
- Accessibility of the grievance mechanism is critical, and employers may consider providing multiple channels including email, a hotline number, SMS, WhatsApp, and other means of communication. In addition, the worker’s relatives or civil society organisations should be able to raise complaints on the workers’ behalf.
- **External grievance mechanisms** are provided by government entities (labour office) and non-government bodies, such as civil society organisations and human rights institutions. These entities can support the employer’s internal grievance mechanisms and remediation process.
- It is a legal requirement in many countries to provide workers with a confidential mechanism to report a grievance. Employers must have a policy that allows workers to report grievances confidentially and without fear of retaliation.

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**Establish grievance mechanism and reporting procedure**

- **Communication is important**
- Grievances mainly result from poor company-employee communication.
- A reporting procedure can also benefit employers to escalate issues, avoid costly disputes and damage to reputation, as well as improve labour relations.

**Grievance mechanisms don’t work when...**

- The process is not communicated.
- No fair process is in place for resolving disputes.
- Managers are not trained to handle grievances.
- Resolutions are not communicated.
- There is fear of reprisal for reporting grievances.
5. b. Grievance mechanisms and remediation: Implementation

Principles of implementing an effective grievance mechanism:

- **Legitimate**
  - Build trust with stakeholders (i.e., workers).

- **Accessible**
  - Provide multiple channels to allow all stakeholders to submit grievances.

- **Predictable**
  - Establish clear procedures and timeframes.

- **Equitable**
  - The process is inclusive, and all parties have access to information.

- **Transparent**
  - All parties are informed and updated of progress.

- **Respects rights**
  - Remediation and outcome are in line with human rights.

- **Engagement-based**
  - Incorporate a feedback system into the grievance mechanism.

- **Continuous learning**
  - Monitor and improve based on feedback and lessons learned.

### In designing the mechanism, consult workers from various backgrounds (culture, gender, age, language) and external sources (NGOs).

### During recruitment, educate workers on their rights and the grievance mechanism in a language or manner that the type of worker can understand.

### Maintain confidentiality of workers’ information.

- Create physical (collection box) and electronic (email, hotline, SMS, apps, online platform) channels.
- Consider alternatives such as direct reporting to a representative or a third party.
- Note potential barriers in access such as Wi-Fi access, illiteracy, complicated apps.
- Define roles, responsibilities, and procedures.
- Set deadlines for each procedure.
- Define criteria for the scope of grievances and possible solutions.
- Implement a monitoring system.
- Provide access to information/advice that is simple and considers potential communication barriers.
- Plan for grievances from workers with specialised needs, such as women and other marginalised groups.
- Inform the worker of the process.
- Provide regular updates to the worker and others involved with the case.
- Reassure the worker repeatedly on confidentiality.
- Consider additional support such as legal, consular, or counselling.
- Consider human rights in establishing internal guidelines for remediation.
- Ensure the review of the grievance and remediation includes human rights impacts.
- Provide a means for all stakeholders to report issues with the mechanism.
- Engagement and dialogue are the means to address and resolve issues with the mechanism.
- Worker representatives can be involved solving the issues.
- Review grievance management periodically.
- Set indicators like number of grievances, time taken to resolve it, and level of satisfaction of affected individual.
5. c. Grievance mechanisms and remediation: Actions

**Actions**

- Establish **clear and written remediation policies** that respect the human and labour rights of all workers during their entire recruitment journey.

- **Implement a confidential grievance mechanism** incorporating the principles of an effective mechanism, including multiple channels for reporting.

- Ensure that workers raising a grievance do **not face any form of retaliation**, reprisal or wage deduction.

- Create and deliver **awareness training** for workers on how to use the company’s grievance mechanism, for example, as part of the orientation process.

- A **management system**, with well-defined actions for the process's internal governance, should accompany any grievance mechanisms put in place.

- In the event that workers are still dissatisfied with the resolution after exhausting internal channels, they should have **access to conciliation, labour courts, or the relevant government authority** in the country of destination.

- Ensure that the grievance mechanism is **accessible to all stakeholders** (workers, recruiters, and employer and others potentially impacted by the company).

**Does the company grievance mechanism...**

1. Have reporting channels that are available to candidates and understood by all workers, including subcontractors / suppliers?

2. Include provision for a dedicated HR team who are trained and qualified to resolve grievances and conflicts, particularly complaints related to harassment and discrimination?

3. Have a grievance resolution process that includes effective communication with the concerned worker and involvement of senior management?

4. Include provision for an interpreter, worker representative, or a female grievance handler, if the worker requires?

5. Have a system to implement a two-way communication mechanism, such as a worker committee, between itself and its workers to learn more about their concerns and disputes?

6. Use a confidential process for workers to raise grievances or report concerns or non-compliances without fear of penalty, dismissal, or reprisal of any kind? Provide awareness training for workers on the grievance resolution process, including how a worker can escalate their dispute to the relevant legal authorities?

7. Have an internal appeal system for unfavourably resolved complaints or disciplinary actions?

8. Ensure that the grievance mechanism does not prevent access to other judicial or non-judicial remedies that might be available under national laws?

9. Have a process for reviewing grievance mechanisms regularly, including grievance log and remediation records, ensuring that procedures and management systems are up to date and in line with internal policies, national laws and international guidance?
5.d. Grievance mechanisms and remediation: Tools

**Tool 8: Grievance form** [click here]

The grievance form template provides instructions and details for employees to file grievances related to **working conditions, compensation, and welfare** in the organisation.

**Tool 9: Grievance flow chart** [click here]

The grievance flow chart template may be used as a **visual guide to receiving and handling grievances**. It can also be used to communicate the grievance-handling procedure to workers.

Further guidance on grievance mechanisms can be found on the International Organization for Migration (IOM) site:

- **Tool 10**: IOM fair and ethical recruitment due diligence toolkit guide [click here]
- **Tool 11**: IOM DD grievance and remediation monitoring tool [click here]
- **Tool 12**: IOM DD grievance and remediation management tool [click here]
6. a. Repayment of recruitment fees: Introduction

**Repayment of recruitment fees**
- Employers shall primarily have policies and procedures that prevent workers from paying any recruitment fees and related costs. However, in the event that workers did pay recruitment fees, the remediation is to repay the amount.

**Why is it important to repay?**
- Repayment matters to workers. Repayment of recruitment fees and costs can ameliorate or even remove entirely situations of severe debt bondage that contribute to forced labour and modern slavery-like situations.
- Repayment sharpens focus on more ethical recruitment in the future. The substantial shock of a repayment serves to stimulate companies, employers, and supply chain actors towards more concentrated and serious efforts to get ethical recruitment right.

**Guidelines for reimbursement policy and process**
- Incorporate a recruitment fee reimbursement policy into the company’s recruitment policy and identify recruitment costs based on recruitment practices.
- Employer and service providers must have formal and legally binding agreements with recruitment agencies that oblige reimbursement of fees workers paid during recruitment. This will allow for recruitment agencies to fully or partially cover reimbursement.
- Develop a calculation method for repayment amount that considers:
  - the average fees paid per worker based on specific identified criteria (sourcing country, recruitment year, job description, gender)
  - historic and current currency exchange rates
  - inflation and interest to offset the opportunity cost
- Develop and maintain a contingency fund in the event that a worker paid recruitment fees greater than the average amount or, when a former worker claims for reimbursement.

**Guidelines for repayment of recruitment fees and costs**
1. Investigate the recruitment fees and costs paid by workers.
2. Identify eligibility for repayment.
3. Calculate the repayment amount based on:
   a) the actual value of fees paid.
   b) costs that factor in interest, inflation, the exchange rate, and opportunity cost, as determined by rigorous and reliable data collection methods.
4. Draw up a timeline for repayment.
5. Engage and communicate with migrant workers.
6. Verify payment.

Impactt Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs
6. b. Repayment of recruitment fees: Actions

**Actions in case workers have paid fees**

- Establish a plan for the repayment of recruitment fees to workers who have been charged these fees. This plan should be fair and transparent taking into account the worker’s financial situation.
- Provide clear and accurate information to workers about the repayment plan, including the amount of money that will be repaid and the timeframe for repayment.
- Develop a system for tracking and documenting the repayment of recruitment fees to workers. This can include maintaining records of repayments made and providing workers with receipts or other documentation to confirm that they have received their funds.
- Ensure that all workers are treated fairly in the repayment of recruitment fees. This includes ensuring that workers who have been charged fees but who have since left their jobs are still eligible for repayment.
- Take legal action against recruitment agencies that charge workers recruitment fees (as a last resort). This can include recovering any funds that have been charged to workers.

**Does the company have relevant policies and procedures in place that...**

1) Establish its commitment to remediating recruitment fees payment that details the process and timelines?

2) Explain workers eligible for reimbursement of recruitment fee payment that includes employed workers, former workers, and subcontractor/supplier workers.

3) Describe the calculation method used to obtain the repayment amount, which considers the following:
   - Average fees paid per worker category (i.e., country of origin, gender)
   - Historic and current exchange rates, and inflation that includes opportunity costs
   - If relevant, include interest from loans taken to cover costs of recruitment
   - Bank fees and tax implications should be taken to make sure they are covered by the employer

4) Define the timelines and method of recruitment fee repayment?

5) Outline the investigation of recruitment fees and costs workers paid?

6) State workers (who reported paying fees) are consulted during investigation and updated on outcome?

7) Describe the verification method for repayment of recruitment fees (to workers)?
6. c. Repayment of recruitment fees: Tools

**Tool 13: Recruitment fee investigation checklist** [click here]

The Recruitment fee investigation checklist is designed to gather information about the recruitment process and verify recruitment fees potentially paid by job applicants.

It can be applied at different stages: before, during or after recruitment.

**Tool 14: Recruitment fee reimbursement policy** [click here]

The recruitment fee reimbursement policy is a sample policy that employers may use as the basis for their reimbursement policies.

**Evidence of recruitment fee payment is not required for reimbursement of fees.** Workers are rarely able to provide evidence as recruitment agents rarely provide the workers with receipts or any proof of payment. The common practice is for recruitment agencies in the worker’s home country to provide receipts only for the amounts that are legally permitted by the country. The information shared by workers indicate the actual recruitment fees paid by them. As such, organisations need to interview batches of workers and the average amount found in these interviews should then be reimbursed.
Additional resources

Recruitment best practices

- Guidance Tool for Construction Companies in the Middle East, ILO, 2019
- An employer’s guide to fair recruitment, International Organisation of Employers, November 2021
- Case Studies for the Procurement of Labour Recruiters’ Services, IOM, 2022
- Promoting Fair Recruitment And Employment Practices - Code Of Conduct, WEC, (n.d.)
- Promising practices for fair recruitment, ILO, 2021
- NYU research brief, less than one percent: low cost, responsible recruitment in Qatar’s construction sector, NYU Stern Center for Business and Human Rights, 2019
- Fair and ethical recruitment due diligence toolkit, IOM, 2022.
- Fair Hiring Toolkit: Tools, Guidance, and Approaches to Support Responsible Recruitment, Verite Fair Labor, (n.d.)

International principles and guidance

- Dhaka Principles For Migration With Dignity, IHRB, (n.d.)
- Migrant Worker Guidelines For Employers, IOM, 2019
- General Principles And Operational Guidelines For Fair Recruitment, ILO, 2019
- UN Guiding Principles on Business and HR, UNHRC, 2011
- The Iris Standard, Iris Ethical Recruitment, 2019
- Six Steps to Responsible Recruitment, IHRB, (n.d.)

Remediation and reimbursement


Recruitment fees

- Migrant Worker Recruitment Fees The Increasing Debt Burden, IHRB, (n.d.)

Indicators


Other guidance

Tools from member companies:

- The tools provided in this document are copyrighted by respective member companies of the B4IG coalition. B4IG’s Working Group on Fair Recruitment – VINCI, Unilever, L’Oréal, Sodexo, Schneider Electric, Mars, and Danone – shares these instruments and learnings to support other companies, B4IG members and non-members, to implement and exercise effective methods to progress and ensure respect for human rights within their value chains.

International labour standards and guiding principles on fair recruitment, as well as relevant human rights standards:

- UN Guiding Principles on Business and Human Rights, UNHRC, 2011.
- Dhaka Principles, IHRB, (n.d.).
- The IRIS Standard, Iris Ethical Recruitment, 2019.
- Migrant Worker Guidelines For Employers, IOM, 2021.
- Impactt Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs, Impactt Limited, (n.d.)