
FAIR AND ETHICAL RECRUITMENT DUE DILIGENCE TOOLKIT

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Required citation: International Organization for Migration (IOM), 2022. *Fair and ethical recruitment due diligence toolkit*. IOM. Geneva.

ISBN 978-92-9268-395-5 (PDF)

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FAIR AND ETHICAL
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DUE DILIGENCE
TOOLKIT

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ACRONYMS AND ABBREVIATIONS

EU	European Union
FERDD	Fair and Ethical Recruitment Due Diligence
ILO	International Labour Organization
IOM	International Organization for Migration
IRIS	International Recruitment Integrity System
MWGs	(IOM's) Migrant Worker Guidelines (for Employers)
NGO	Non-Governmental Organization
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office (of the United Nations) High Commissioner for Human Rights
PAO	Post-arrival Orientation
PDO	Pre-departure Orientation
PEA	Private Employment Agency
SDG	Sustainable Development Goal
UN	United Nations
UNGPs	United Nations Guiding Principles on Business and Human Rights

INTRODUCTION



Purpose
Basis
Scope
Target audiences
Structure

PURPOSE

This Fair and Ethical Recruitment Due Diligence Toolkit was developed by the International Organization for Migration (IOM), the United Nations migration agency, to support business enterprises in fulfilling their responsibility to respect human rights in the context of international recruitment. As such, it is a valuable resource to support enterprises in addressing the adverse human and labour rights impacts on migrant workers, linked to recruitment activities, through providing practical tools to conduct comprehensive due diligence in line with the [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) and [IOM's Migrant Worker Guidelines for Employers \(MWGs\)](#). Enterprises that are new to the concept of fair and ethical recruitment due diligence can take ideas from this Toolkit on how the principles and key due diligence processes outlined in the UNGPs and MWGs can be operationalized and translated into practice. On the other hand, enterprises with existing due diligence processes and systems for migrant worker recruitment can use this Toolkit as a benchmark in further aligning their practices with the UNGPs and MWGs. The tools within this document can be tailored by enterprises to fit their own particular circumstances.

This Toolkit contributes to the ongoing multi-stakeholder efforts that ensure the fair and ethical facilitation of recruitment, in line with Objective 6 of the [Global Compact for Safe, Orderly, and Regular Migration](#).¹ It also contributes to the following Global Compact for Migration objectives:

- ▶ **Objective 7:** Address and reduce vulnerabilities in migration
- ▶ **Objective 10:** Prevent, combat, and eradicate trafficking in persons in the context of international migration
- ▶ **Objective 16:** Empower migrants and societies to realize full inclusion and social cohesion
- ▶ **Objective 17:** Eliminate all forms of discrimination and promote evidence-based public discourse to share perceptions of migration
- ▶ **Objective 23:** Strengthen international cooperation and global partnerships for safe, orderly, and regular migration

¹ The Global Compact for Migration is the first inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, covering all dimensions of international migration in a holistic and comprehensive manner.

This toolkit also contributes to the following [Sustainable Development Goal \(SDG\) targets](#):

- ▶ **SDG Target 8.7:** Eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour.
- ▶ **SDG Target 8.8:** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment.
- ▶ **SDG Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.
- ▶ **SDG Target 12.6:** Encourage companies to adopt sustainable practices and sustainability reporting.

FIGURE 1. RELEVANT GLOBAL COMPACT FOR MIGRATION OBJECTIVES AND SDG TARGETS



BASIS

The due diligence components covered by this Toolkit are primarily based on the UNGPs. The [OECD Due Diligence Guidance for Responsible Business Conduct](#) was used as the main reference source in translating the UNGPs' due diligence-related principles into practical actions in the context of international recruitment.

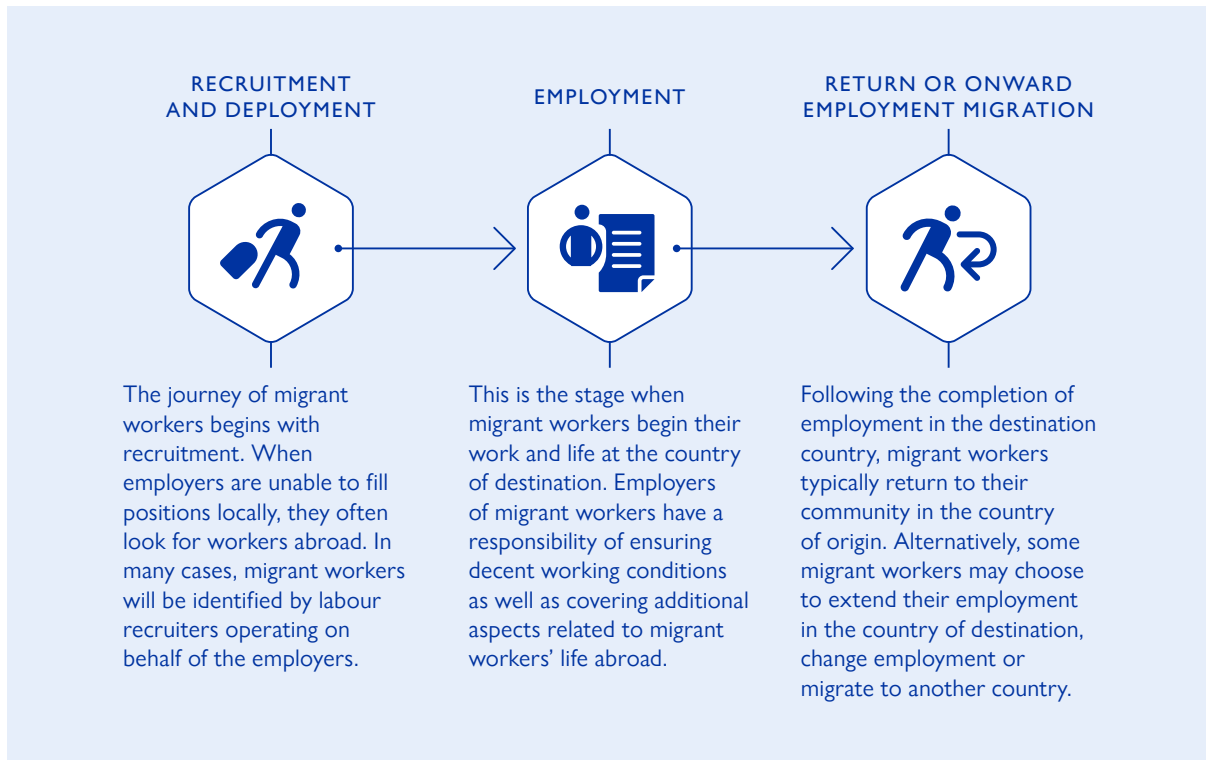
This Toolkit further complements IOM's MWGs, which outline the principles and key practices that employers of migrant workers are expected to uphold throughout the different phases of a migrant worker's labour migration process. It takes a deep dive into the due diligence section in the MWGs and provides further guidance on how to carry out due diligence during the recruitment and deployment phases of the labour migration process, that takes fair and ethical recruitment considerations into account.

This Toolkit is a product of multi-year collaboration between IOM and Apple. It was developed in consultation with experts and practitioners in labour migration and human rights due diligence and tested in the global supply chain.

SCOPE

This Toolkit focuses on the recruitment and deployment phases of the labour migration process for international migrant workers.

FIGURE 2. LABOUR MIGRATION PROCESS



This Toolkit aims to address the actual and potential adverse human and labour rights impacts on migrant workers that are linked to recruitment activities. An “adverse human rights impact” occurs when an action removes or reduces the ability of an individual to enjoy his or her rights.² The [Universal Declaration of Human Rights](#) and [ILO’s Declaration of Fundamental Principles and Rights at Work](#) set out the human and labour rights that all persons are entitled to, regardless of their nationality, race, legal or other status. In addition to these rights, migrants are entitled to certain rights and protections specifically linked to their vulnerable status. The [International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#) sets the minimum standards for the protection of migrant workers as well as their families. Some examples of “actions” that may remove or reduce a migrant worker’s ability to enjoy these rights include discrimination, forced labour and exploitation. Migrant workers may be subjected to these actions if relevant risks throughout their migration process, including recruitment, are not managed accordingly. To manage recruitment-related human and labour rights risks to migrant workers, enterprises must carry out comprehensive recruitment due diligence that takes the following principles from the MWGs into account:³

² OHCHR, [The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#) (2012).

³ See the Dhaka Principles for Migration with Dignity, ILO General Principles and Operational Guidelines for Fair Recruitment, IRIS Standard, and ILO Convention 181 on the principles and standards that form the principles described in the MWGs.

FAIR AND ETHICAL RECRUITMENT PRINCIPLES OUTLINED IN IOM'S MIGRANT WORKER GUIDELINES FOR EMPLOYERS

1. Migrant workers are recruited directly or through ethical labour recruiters.
2. Migrant workers are not charged recruitment fees and related costs throughout the entire labour migration process.
3. Migrant workers have access to accurate information about all terms and conditions of migration and employment.
4. Migrant workers are selected based on merit, without discrimination or coercion.
5. Migrant workers voluntarily sign a written employment contract in a language they understand prior to their departure from their country of origin.
6. Migrant workers safely travel from their community of origin to their location of work.

This Toolkit can be used by enterprises to develop or strengthen their due diligence systems and processes in directly recruiting migrant workers and managing business relationships with labour recruiters and private employment agencies (PEAs), including subcontractors, that employ migrant workers. Thus, this Toolkit covers the following recruitment, employment and business relationships:

1. Direct recruitment and employment of migrant workers by enterprises;
2. Recruitment services relationship (recruitment of migrant workers through labour recruiters);
3. Employment services relationship (management of PEAs that employ migrant workers).

These arrangements are illustrated in figures 3 to 5:⁴

⁴ Illustrations for figures 4 and 5 were adapted from Institute for Human Rights and Business (IHRB) and Shift's *EU Employment & Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights* (2014).

FIGURE 3. DIRECT RECRUITMENT AND EMPLOYMENT BY ENTERPRISE

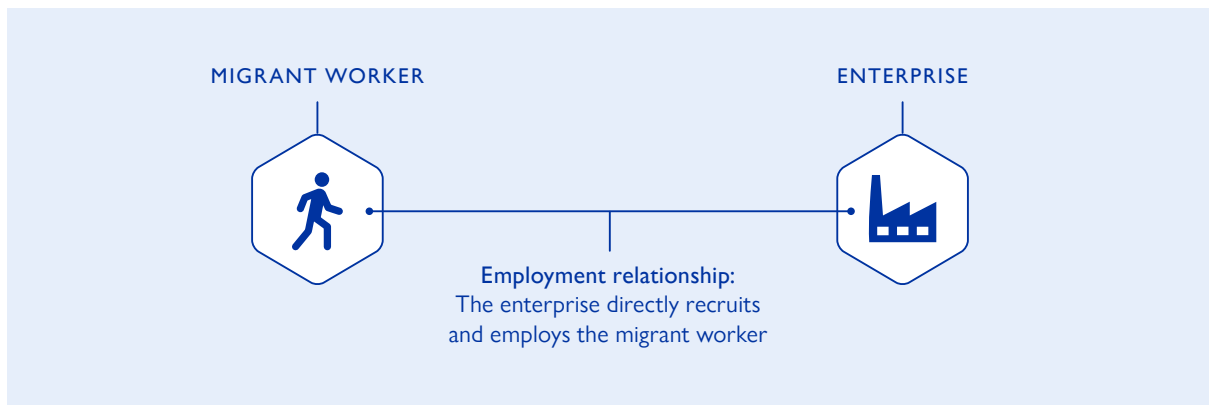
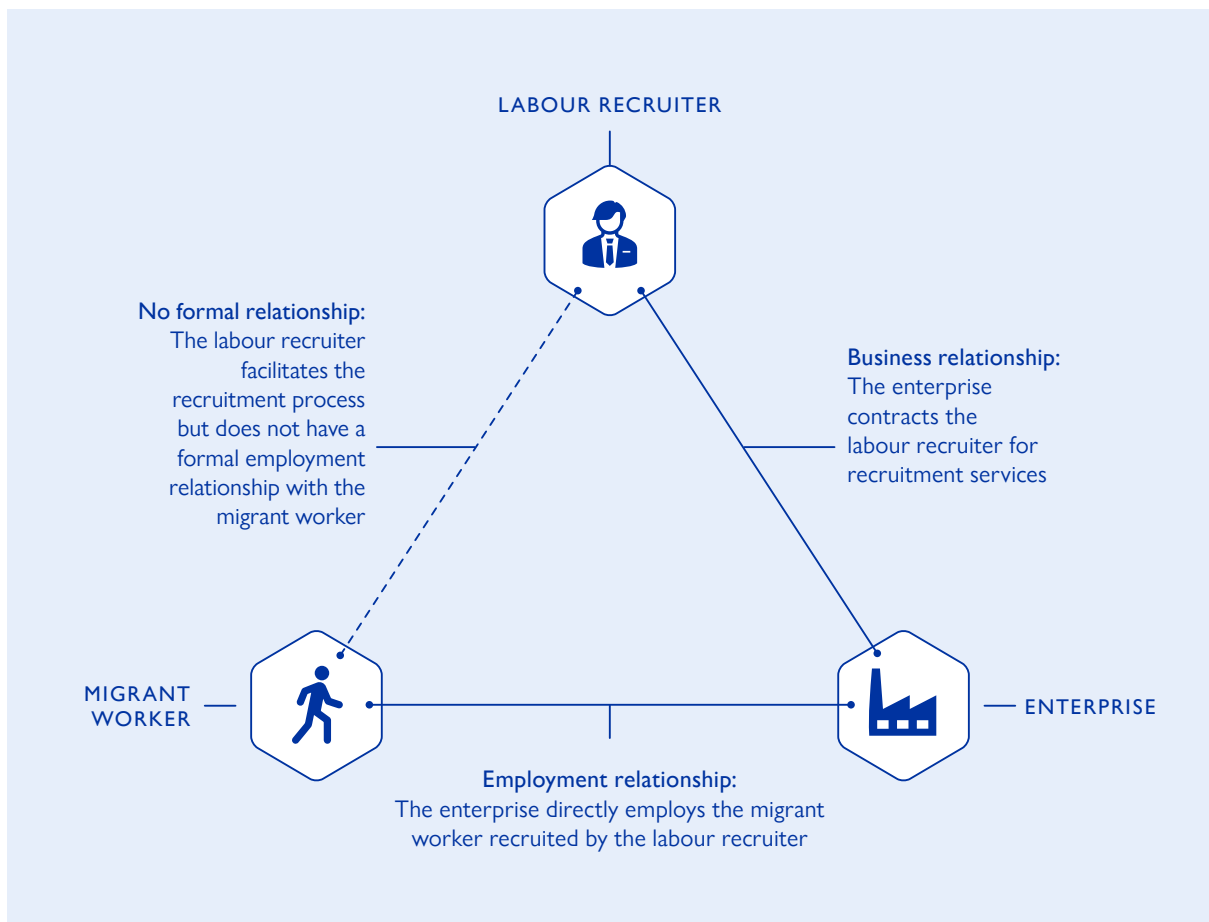
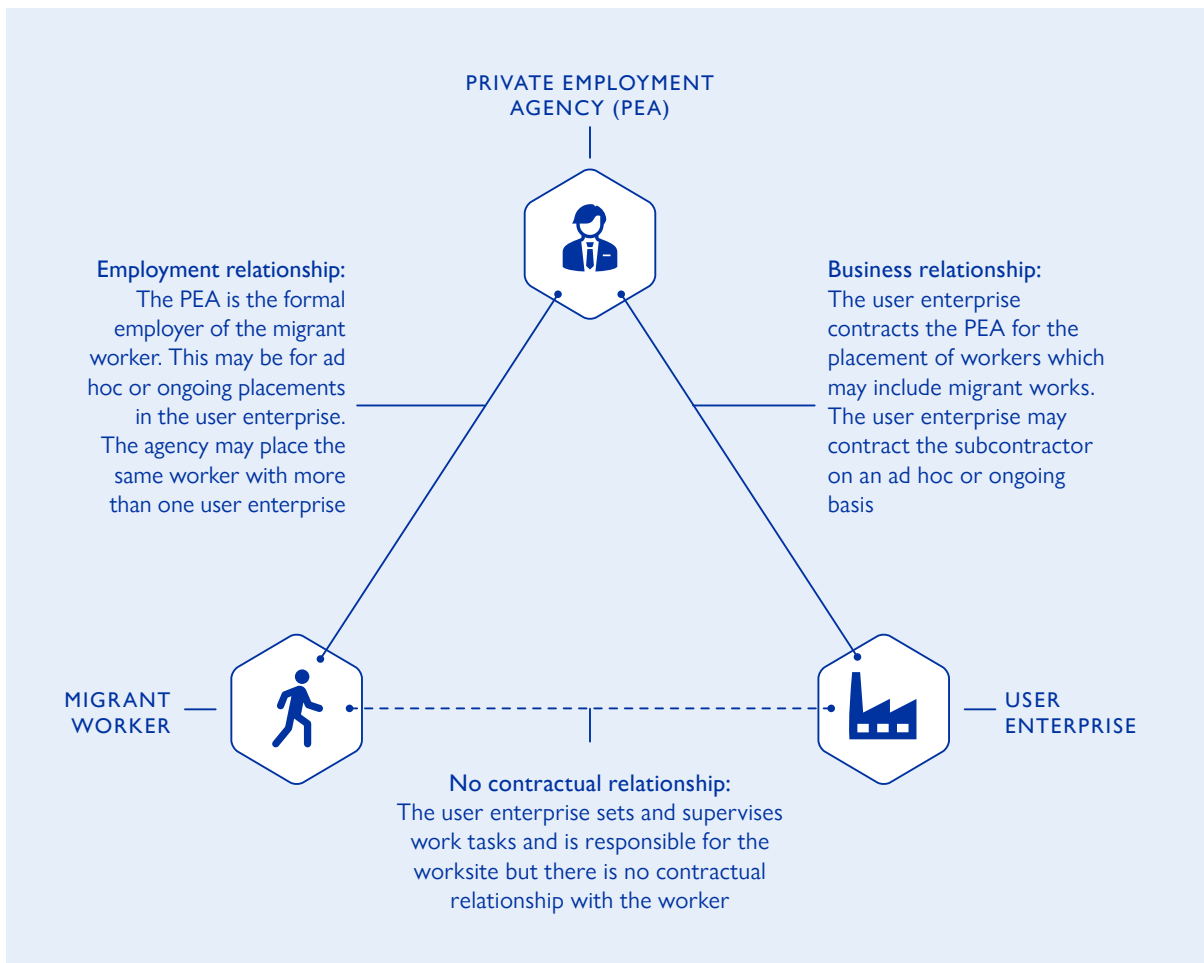


FIGURE 4. RECRUITMENT SERVICES RELATIONSHIP



In the scenario illustrated in Figure 4, multiple labour recruiters in the migrant worker's country of origin and/or country of destination may be involved throughout the recruitment process. Not all labour recruiters involved throughout the process may have a formal business relationship with the enterprise that employs the migrant worker.

FIGURE 5. EMPLOYMENT SERVICES RELATIONSHIP



In this scenario, the PEA may have directly recruited the migrant worker or contracted a labour recruiter for recruitment services. Multiple labour recruiters may also be involved throughout the recruitment process in this scenario. The term “user enterprise” will feature in sections of this Toolkit that provide guidance to enterprises that use the services of PEAs.

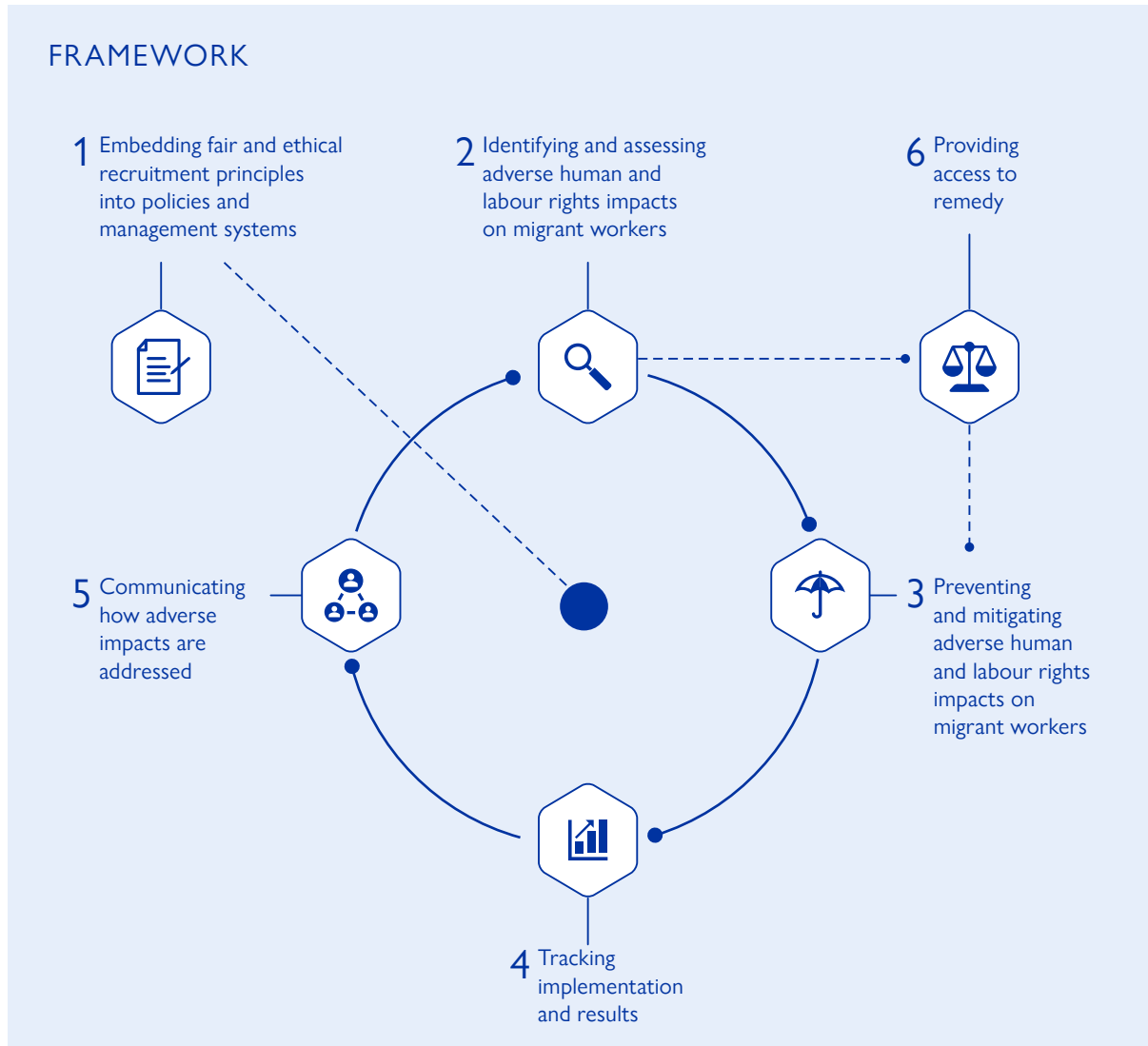
TARGET AUDIENCES

The primary audiences of this Toolkit are individuals within a business enterprise’s human resources unit who are involved in the recruitment of migrant workers, and individuals managing an enterprise’s business relationships with labour recruiters and PEAs. It is also intended to support practitioners who are tasked with due diligence-related performance within an enterprise and report on relevant efforts in this respect. Given the cross-functional nature of implementing due diligence across an enterprise’s operations and business relationships, there are likely to be several individuals from different business units and functional areas who may find this Toolkit useful. This Toolkit may also be pertinent for other parties, such as migrant worker groups and organizations that provide capacity-building support to business enterprises on fair and ethical recruitment.

STRUCTURE

This Toolkit begins with an overview of the concept of fair and ethical recruitment due diligence. The main content of the Toolkit was structured following the due diligence framework presented in the OECD Due Diligence Guidance on Responsible Business Conduct.

FIGURE 6. FAIR AND ETHICAL RECRUITMENT DUE DILIGENCE FRAMEWORK IN THE TOOLKIT



THE TOOLKIT IS DIVIDED INTO THE FOLLOWING CHAPTERS:



Chapter 1.

Embedding fair and ethical recruitment principles into policies and management systems



Chapter 2.

Identifying and assessing adverse human and labour rights impacts on migrant workers



Chapter 3.

Preventing and mitigating adverse human and labour rights impacts on migrant workers



Chapter 4.

Tracking implementation and results



Chapter 5.

Communicating how adverse impacts are addressed

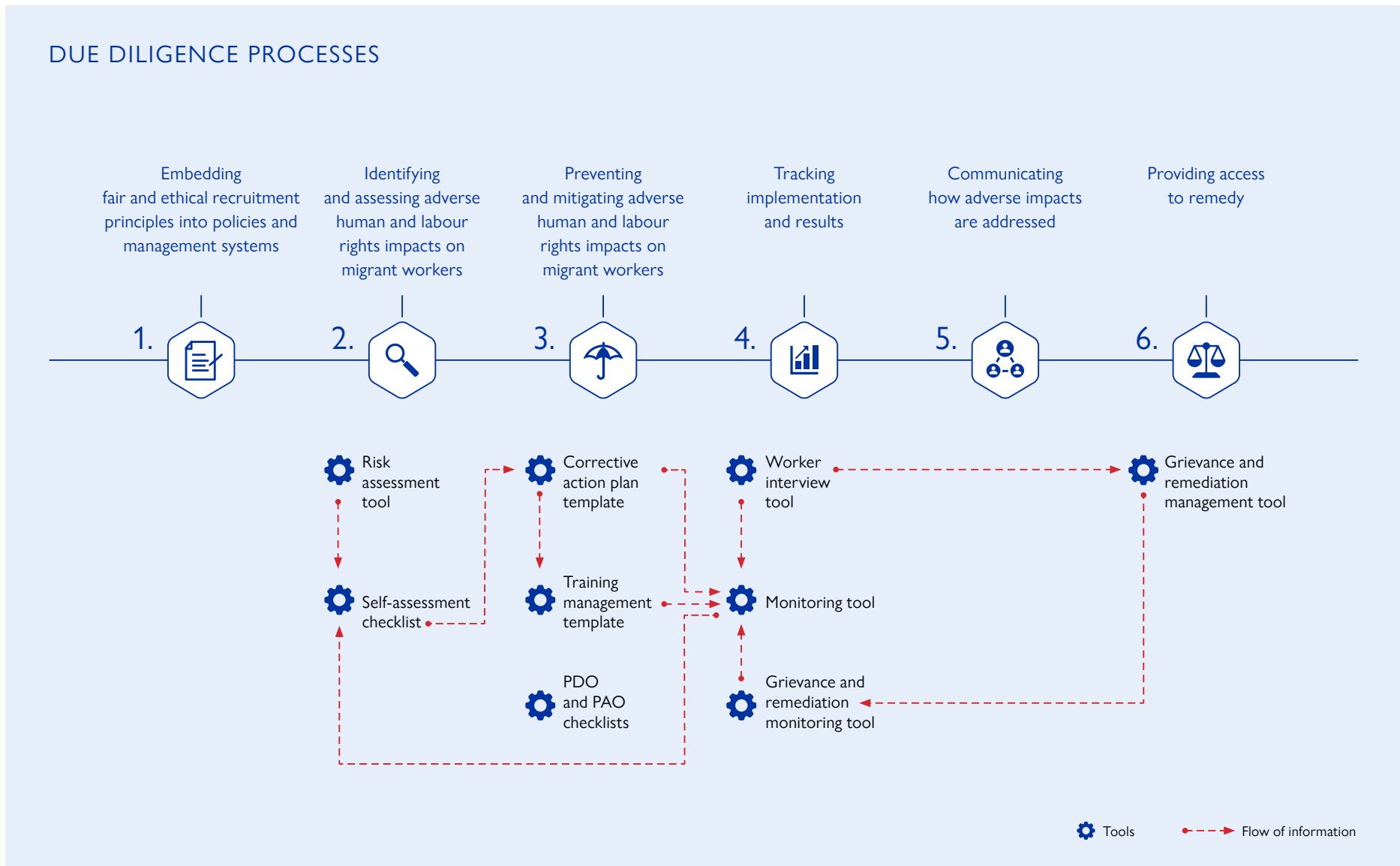


Chapter 6.

Providing access to remedy

Chapters 2 to 5 cover the core fair and ethical recruitment due diligence processes, while Chapters 1 and 6 feature the supporting measures that need to be in place to ensure effective due diligence implementation. Each chapter describes the essential steps and components in implementing each due diligence process or supporting measure, based on the MWGs and UNGPs. Most chapters include a set of tools that enterprises can use to take the steps described, while ensuring that the key components identified are in place. The tools include more detailed guidelines and recommendations on how each due diligence process can be implemented. The tools are interconnected: information provided in one tool may feed into the other tools, as shown in Figure 7. The tools include interactive features that will direct users to the next due diligence process or the corresponding actions that are recommended for them to take based on their inputs. Using this Toolkit should not lead to a “box-ticking exercise”. Enterprises should tailor the tools to adapt to the unique nature of their operations and business relationships, as well as their experiences and challenges in carrying out their own due diligence. Enterprises are encouraged to gather feedback from their internal and external stakeholders in using and tailoring this Toolkit.

FIGURE 7. OVERVIEW OF THE TOOLKIT



UNDERSTANDING FAIR AND ETHICAL RECRUITMENT DUE DILIGENCE

-
- . What is fair and ethical recruitment?
 - . What is due diligence?
 - . Why is it essential to take actual and potential adverse impacts on migrant workers into account in implementing fair and ethical recruitment?
-

WHAT IS FAIR AND ETHICAL RECRUITMENT?

Fair and ethical recruitment means hiring workers lawfully (in compliance with laws in the countries of origin, transit and destination), and in a fair and transparent manner that respects their dignity and human rights.

The [ILO General Principles and Operational Guidelines for Fair Recruitment](#) form a comprehensive approach to realizing fair recruitment through compliance with laws and policies aiming to regulate the recruitment industry and protect migrant workers. This guidance also provides a comprehensive definition of recruitment fees and related costs that shall not be charged directly or indirectly, in whole or in part, to workers. Meanwhile, the [IRIS Standard](#) articulates what ethical recruitment means in practice. Its corresponding guidelines serve as a reference point for labour recruiters, employers and State actors on how to integrate ethical recruitment principles into recruitment-related management systems, processes, procedures, policies and regulations.

WHAT IS DUE DILIGENCE?

All business enterprises have a baseline responsibility to respect human rights. Due diligence is the ongoing risk management process which business enterprises need to undertake to ensure that any potential adverse human rights impacts they are responsible for are identified and addressed to meet their responsibility to respect human rights.

In this Toolkit, fair and ethical recruitment due diligence refers to the ongoing process of identifying, preventing, mitigating, and accounting for how an enterprise addresses any adverse human and labour rights impacts its recruitment activities have on migrant workers. It includes assessing actual and potential recruitment-related adverse human and labour rights impacts on migrant workers, integrating and acting upon findings, tracking progress and results, and communicating how the identified impacts are being addressed.

Fair and ethical recruitment due diligence should be initiated as early as possible during the application process for workers and before commencing a new activity and/or establishing a new business relationship with labour recruiters and PEAs. The specific due diligence activities may vary in complexity according to the number of workers being recruited, the risk of human rights impacts, and the nature and context of company operations. Fair and ethical recruitment due diligence should be a continuous exercise, recognizing that risks may change over time as the enterprise's operations and context evolve.⁵

WHY IS IT ESSENTIAL TO TAKE ACTUAL AND POTENTIAL ADVERSE IMPACTS ON MIGRANT WORKERS INTO ACCOUNT IN IMPLEMENTING FAIR AND ETHICAL RECRUITMENT?

Recruitment is an essential part of business, making it necessary for enterprises committed to meeting their responsibility to respect human rights to integrate fair and ethical recruitment considerations

⁵ See the *Characteristics of Due Diligence* on page 16 of the [OECD Due Diligence Guidance for Responsible Business Conduct](#) for more detailed explanation on the nature of due diligence.

into their broader human rights due diligence. A business enterprise's fair and ethical recruitment due diligence should take the diversity of its workforce and the complexity of business relationships into account and give special attention to the recruitment of certain worker categories, such as migrant workers, that are more vulnerable to human rights abuses than other groups of workers.

While most migrant workers have positive migration and employment experiences, they remain vulnerable to exploitation and abuse. In 2021, the ILO, IOM, and Walk Free Foundation estimated that the prevalence of forced labour among adult migrant workers was more than three times higher than that of adult non-migrant workers.⁶ As such, migrant workers are particularly vulnerable to human and labour rights abuses due to several factors, including their limits on effective representation and lack of adequate legal labour protection in their country of destination. The procedures to recruit migrant workers across international borders are complex, often requiring the participation of several actors, such as labour recruiters.⁷ A lack of transparency in the recruitment process can make it challenging for enterprises to ensure that no abusive and fraudulent practices take place, especially in higher-risk contexts. The potential involvement of unscrupulous actors – ranging from those that knowingly profit from poor recruitment practices to criminal organizations involved in trafficking – further increases the vulnerability of migrant workers to exploitation and various forms of abuse. That said, international recruitment is a high-risk activity and enterprises involved in the recruitment and/or employment of migrant workers are likely to cause, contribute, or be directly linked to adverse human and labour rights impacts on migrant workers. Implementing fair and ethical recruitment due diligence that is fully cognizant of the risks and vulnerabilities of migrant workers should help enterprises prevent and mitigate these adverse impacts.

The exercise of fair and ethical recruitment due diligence may in turn help enterprises promote migrant voices, improve their stakeholder relationships, ensure their compliance with relevant laws, and protect their reputation.

⁶ ILO, IOM, and Walk Free Foundation, [Global Estimates of Modern Slavery, Forced Labour, and Forced Marriage](#) (2022).

⁷ See the Glossary for definitions of labour recruiters and subagents.

FAIR AND ETHICAL RECRUITMENT DUE DILIGENCE TOOLKIT



Chapter 1. Embedding fair and ethical recruitment principles into policies and management systems



Chapter 2. Identifying and assessing adverse human and labour rights impacts on migrant workers



Chapter 3. Preventing and mitigating adverse human and labour rights impacts on migrant workers



Chapter 4. Tracking implementation and results



Chapter 5. Communicating how adverse impacts are addressed



Chapter 6. Providing access to remedy

CHAPTER 1. EMBEDDING FAIR AND ETHICAL RECRUITMENT PRINCIPLES INTO POLICIES AND MANAGEMENT SYSTEMS

In this context, “embedding” means creating the right macro-level environment for the principles of fair and ethical recruitment to be effective in practice.⁸ It includes establishing a policy on fair and ethical recruitment and embedding this policy into the enterprise’s management systems, so it becomes part of regular business processes.



Establishing a fair and ethical recruitment policy

As the basis for embedding a commitment to fair and ethical recruitment, enterprises must establish a written policy on fair and ethical recruitment. Having a written policy that is publicly available will help enterprises demonstrate a commitment to uphold their responsibility to practice fair and ethical recruitment and clearly set out their expectations toward staff, business partners, and other parties directly linked to their operations. It can be a stand-alone statement or integrated into a broader company policy on human and labour rights. It can also build on existing policies against forced labour, modern slavery, human trafficking or a commitment to respect migrant workers’ human and labour rights.

A FAIR AND ETHICAL RECRUITMENT POLICY SHOULD:

- ▶ Be approved at the most senior level of the business
- ▶ Express explicit commitment to practice fair and ethical recruitment
- ▶ express explicit commitment to comply with applicable laws and adhere to the principles of fair and ethical recruitment, as set out in the MWGs and IRIS Standard
- ▶ Take human rights risks during recruitment and the involvement of different actors into account
- ▶ Be informed by stakeholder consultations, including with migrant workers and relevant internal and/or external experts
- ▶ Stipulate the enterprise’s expectations towards its staff, labour recruiters and other parties involved in the recruitment and employment of migrants working for the enterprise
- ▶ Explain how the policy will be implemented (such as a planned approach to due diligence, stakeholder engagement, and remediation)
- ▶ Be publicly available and communicated internally and externally
- ▶ Be reflected in operational policies and procedures necessary to embed it throughout the business
- ▶ Be regularly reviewed and updated.

⁸ Definition was adapted from OHCHR’s The Corporate Responsibility to Respect Human Rights: An Interpretive Guide (2012).

Embedding the established policy into management systems

The established policy on fair and ethical recruitment should be fully embedded into the enterprise's management systems so that it becomes part of the normal way of doing business. This includes creating the necessary internal structures, developing performance and accountability systems, and awareness-raising so all staff act in ways that support the enterprise's commitment. The enterprise should ensure that all its staff understand the implications of its commitment in conducting regular recruitment activities and regard fair and ethical recruitment as part of corporate culture and core values.

Applying the established policy in business relationships

Enterprises that use labour recruiters and PEAs should include their expectations on fair and ethical recruitment in business relationship contracts or other forms of written agreements.⁹ Fair and ethical recruitment considerations should be integrated into procurement decisions and key performance indicators for recruitment and employment service providers. Enterprises should require their business partners to cascade their expectations on fair and ethical recruitment among their service providers involved in the migrant worker recruitment process, such as health clinics, training centres and visa services centres. Enterprises should provide adequate resources and training for business partners to understand and meet these expectations.

⁹ See the Labour Recruiter Service Agreements Checklist in IOM's Migrant Worker Guidelines for Employers for the list of provisions that are recommended to be included: <https://publications.iom.int/books/migrant-worker-guidelines-employers-checklist-labour-recruiter-service-agreements>

CHAPTER 2. IDENTIFYING AND ASSESSING ADVERSE HUMAN AND LABOUR RIGHTS IMPACTS ON MIGRANT WORKERS

Identifying and assessing the actual or potential range of adverse human and labour rights impacts on migrant workers, with which an enterprise may be involved in, shall shape its fair and ethical recruitment due diligence. To carry out these processes, enterprises can first conduct a broad scoping exercise to identify priority areas before more in-depth assessments of operations and business relationships. Enterprises should then assess their involvement with the identified adverse impact(s) to decide the appropriate response(s).



Conducting a broad scoping exercise

International recruitment involves multiple actors, processes, and different jurisdictions. Enterprises that have migrant workers from different countries of origin should first conduct a broad scoping exercise to identify the areas in their operations, business relationships and supply chains where relevant risks are likely to be present and most significant. Scoping should build on known sector, geographic and enterprise-level risks and take into consideration the different factors that contribute to migrant workers' vulnerability.

During the scoping process, it will be important for enterprises to map the labour migration process for their migrant workers to identify higher-risk activities, geographies, and business relationships and to inform their in-depth assessments. Enterprises may refer to the following guide in mapping the labour migration processes for their migrant workers.

▶ [IOM Labour Migration Process Mapping \(LMPM\) Guide](#)

Based on all information collected from the scoping exercise, enterprises should determine which risks are most significant in relation to the likelihood and severity of actual and potential adverse impacts on migrant workers and prioritize these risks for further assessment. This Toolkit includes a **Risk Assessment Tool** to help enterprises carry out this exercise.

RISK ASSESSMENT TOOL

This tool is designed to support business enterprises in carrying out broad scoping and risk assessment exercises. It guides enterprises in evaluating the human and labour rights risks to migrant workers that are associated with their operating context and business relationships. It also provides a list of relevant resources, developed through multi-stakeholder initiatives, that enterprises can refer to while conducting these exercises.

Conducting in-depth assessments of prioritized operations and business relationships

The enterprise must then carry out more in-depth and iterative assessments of its prioritized operations and business relationships to identify the specific actual and potential adverse impacts on migrant workers it may be responsible for. The enterprise should assess its practices against the specific standards that it has committed to in its policy on fair and ethical recruitment, with these standards also serving as a benchmark to evaluate the enterprise's performance and provide a roadmap to achieving its objectives. The self-assessments should be done in close consultation with migrant workers, trade unions, or migrant worker representatives to understand their needs and challenges.

Enterprises can use the **Self-assessment Checklist** in this Toolkit to conduct an in-depth assessment of their recruitment activities and the risks associated with how they manage their business partners involved in the recruitment and employment of migrant workers.

SELF-ASSESSMENT CHECKLIST

This tool shall support enterprises in identifying their specific recruitment practices and due diligence gaps which may result in actual and potential adverse human and labour rights impacts on migrant workers. It will also enable enterprises to assess the adverse impacts on migrant workers as a result of their business relationships.

Conducting a self-assessment is a good starting point to identify an enterprise's specific adverse human and labour rights impacts on migrant workers as well as due diligence gaps in its current recruitment practices. However, if used as a stand-alone method, self-assessments will not provide the enterprise with a holistic picture of its actual and potential adverse impacts on migrant workers. As such, enterprises should have other verification processes in place. For instance, migrant workers' participation is a critical component in identifying and assessing adverse human and labour rights impacts. The enterprise should incorporate migrant workers' voices, such as through interviews (see Chapter 4 for guidelines on conducting worker interviews) and review any grievances received (see Chapter 6 for guidelines on how to establish and manage grievance mechanisms), to strengthen its assessments.

The enterprise should also seek to identify its actual and potential adverse human and labour rights impacts on migrant workers through its business relationships. Similarly, requesting labour recruiters and PEAs to assess their own fair and ethical recruitment performance is a good starting point, especially to screen new business partners. This exercise can provide the enterprise with a more in-depth understanding of labour recruiters' and PEAs' recruitment practices and due diligence gaps, and in turn help them grasp the enterprise's specific fair and ethical recruitment standards. It is critical for the enterprise to also establish different means to verify its business partners' self-assessments. Traditionally, audits have been used for more in-depth assessments of business partners' social performance. There are several audit systems for social performance that can be leveraged. For example, the [IRIS voluntary certification scheme](#) provides operational benchmarks for compliance with ethical recruitment principles and relevant international human and labour rights standards. It should be noted that although these

audits provide a comprehensive method to identify problems and gaps, if used in isolation they will not necessarily ensure sustainable improvements to recruitment practices. Integrating audit findings into the enterprise's overall due diligence, such as in training and awareness-building programmes and grievance monitoring, can help flag human and labour rights impacts on an ongoing basis. It is also important to note that in assessing business partners' practices, it is critical for enterprises to build trust and ensure clear communication so partners understand what is being asked and how their information will be used.

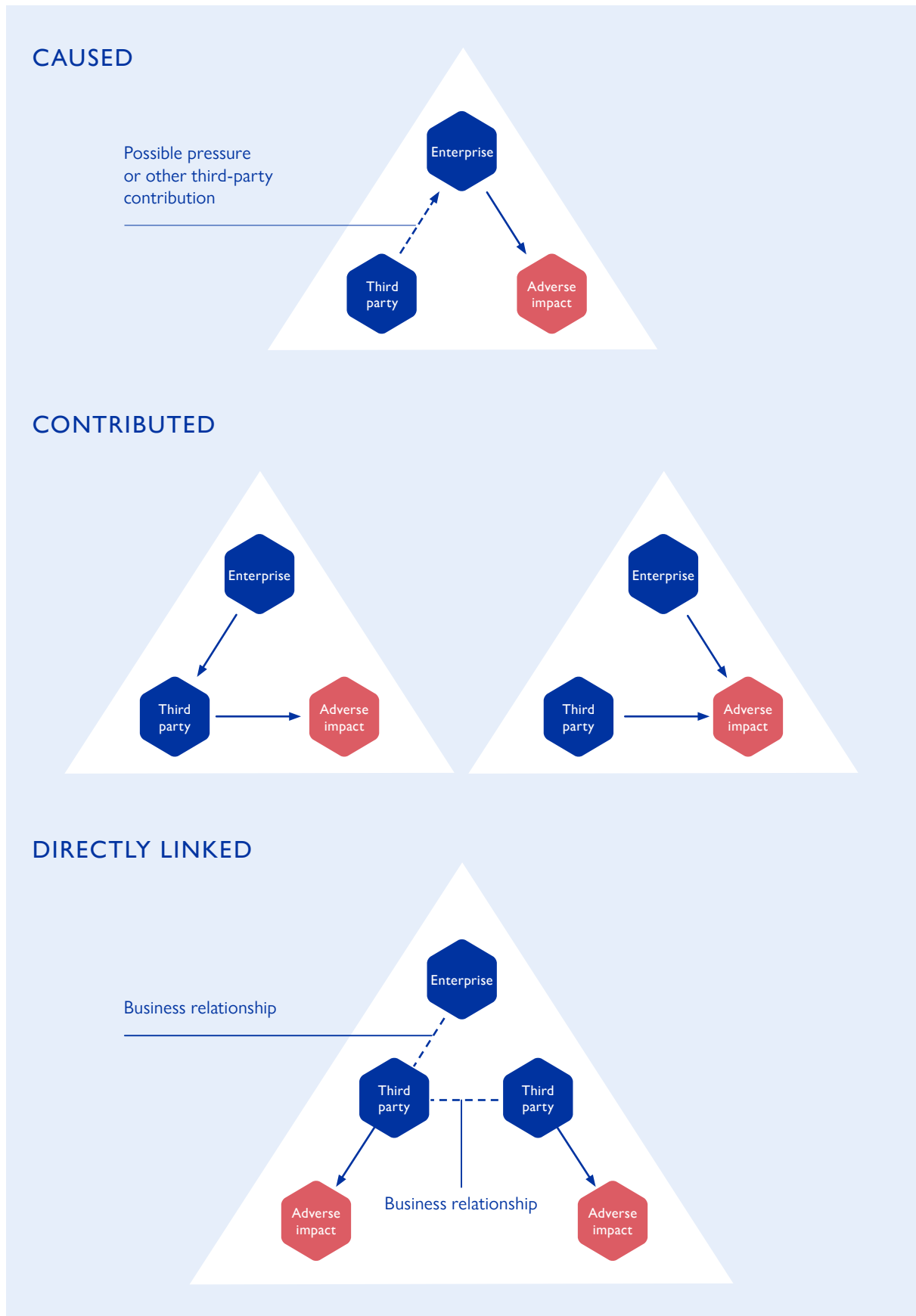
Once the priority areas and business partners are assessed, enterprises should move to examining other areas of operations and business relationships that pose risks or violate migrant workers' human and labour rights.

Assessing the enterprise's involvement with the identified actual and potential adverse impacts

After identifying the specific actual and potential adverse human and labour rights impacts on migrant workers, enterprises should assess their involvement in these adverse impacts. Understanding this involvement will allow enterprises to determine which actions they should take to cease, prevent and/or mitigate the respective adverse impact, as well as in which situations they should provide, or cooperate in realizing, remediation or use their leverage to influence the business relationship (even when indirect) causing the adverse impact. According to the UNGPs, there are three ways in which an enterprise can be involved in an adverse human and labour rights impact:

- (a) It may **cause** the adverse impact through its own recruitment activities.
- (b) It may **contribute** to the adverse impact through its own recruitment activities, either directly or through an outside entity (i.e. State, labour recruiters, PEAs).
- (c) It may neither cause nor contribute to the adverse impact, but may be **directly linked** to the adverse impact through a business relationship.

FIGURE 8. DIFFERENT INVOLVEMENT TERMS FOR ADVERSE HUMAN AND LABOUR RIGHTS IMPACTS¹⁰



¹⁰ Illustration was adapted from OHCHR's *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (2012).

SAMPLE SCENARIOS IN INTERNATIONAL RECRUITMENT THAT ILLUSTRATE THE DIFFERENT INVOLVEMENT TERMS

Context

Recruitment fees paid by migrant workers are a risk factor for debt bondage, a recognized form of forced labour.¹¹ To be able to pay recruitment fees, migrant workers frequently take out loans which often come with high or sometimes illegal interest payments. If workers cannot afford to repay fees, they can become trapped in a cycle of debt, which increases their vulnerability to other forms of exploitation.

No worker should pay for a job – the costs of recruitment should not be borne by the worker, but by the employer. The adoption of the **Employer Pays Principle** across all industries is fundamental to combat exploitation, forced labour, and trafficking of migrant workers in global supply chains and represents an important step toward achieving the SDG of decent work for all.

Causation scenario



Enterprise A, which has been hiring migrant workers directly, offers workers employment based on an upfront payment made by the company to cover recruitment costs, visa processing and travel costs. However, this sum is to be taken directly from workers' future earned salary, together with interest repayments. The workers are unclear whether to take up the job offers due to the terms of the loan. Upon taking up employment, it becomes clear that the loans and interest (together with other deductions for housing and meals) add up to more than their monthly wages, leaving them indebted to their employer and unable to freely leave their employment.

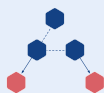
¹¹ ILO, Harder to see, harder to count: Survey Guidelines to estimate forced labour of adults and children (2012).

Contribution scenarios



1. Enterprise B has been using the services of labour recruiters to facilitate the processing of visas and other legal documents required to hire migrant workers. The enterprise engages with labour recruiters that offer the lowest recruitment service fee package. Enterprise B knows that the labour recruiters that offer the lowest service fee package have been charging applicants a placement fee to cover recruitment-related costs that are not included in the package. Most applicants had to take out loans to pay for the placement fee being charged by these labour recruiters.
2. Enterprise C, which has been hiring migrant workers directly, requires applicants to pay a recruitment fee directly to the company. Once this recruitment fee is paid in full, the enterprise will proceed to process the applicants' visas and other documents needed to work legally as a migrant. Most applicants had to take out private loans in order to pay for the recruitment fee being charged by Enterprise C. The migrants had little agency in selecting the loans and were obliged to take loans with high levels of interest from loan sharks. Enterprise C has a degree of foreseeability that, given the economic situation of the migrant workers and the extent of the fees it is charging, the workers may become trapped in debt bondage between their employment with Enterprise C and obligations to their lenders.
3. Enterprise D has outsourced labour through a subcontractor, Subcon X, during one of its peak seasons. Subcon X was able to immediately place subcontracted workers at Enterprise D's facility. Most of the subcontracted workers placed are migrants who have been employed by Subcon X prior to being contracted by Enterprise D. Subcon X has been charging its migrant workers, including the ones it placed at Enterprise D, recruitment fees and related costs. Most of the migrant workers could not refuse any new placement assignment since they are still paying their debts from loans they had to take out when they applied for work at Subcon X.

Directly linked scenarios



1. Enterprise E, which is well-known in its industry, has a written policy against charging any recruitment fees and related costs to migrant workers. This policy applies to the labour recruiters that the enterprise has contracted to recruit migrant workers on its behalf. LR-X is one of the labour recruiters that Enterprise E has contracted. LR-X strictly complies with Enterprise E's policies and has not been charging applicants, who will be placed at Enterprise E, with any recruitment fees and related costs.

LR-X provides recruitment services to other enterprises that do not have any policy on recruitment fee charging. LR-X has been charging applicants to these enterprises with excessive fees and related costs.

2. Enterprise F is a major supermarket, which has a best-selling range of rubber cleaning gloves. Recently, a non-governmental organization (NGO) has raised concerns about debt bondage linked to migrant worker recruitment practices in rubber plantations in Country X, concerning a labour recruiter (LR-Y). The NGO claims that the products sourced by Enterprise F contain rubber from these plantations. To investigate, Enterprise F maps its supply chain (see Figure 9) and after collecting some information about the buying practices of the manufacturer (via its intermediaries), it establishes that there is a high likelihood that rubber in its products came from the plantations named in the NGO report. Therefore, Enterprise F could be directly linked to adverse impacts.

FIGURE 9. DIRECTLY LINKED SCENARIO 2 SUPPLY CHAIN DIAGRAM



Prioritizing impacts for action

Drawing from the information obtained from the self-assessment exercise, prioritize the most significant adverse human and labour rights impacts on migrant workers for action, based on severity and likelihood. This step is relevant when it is not possible to address all potential and actual adverse impacts immediately. When prioritizing human and labour rights impacts, the severity of a potential adverse impact should take precedence over likelihood. Once the most significant impacts are addressed, the enterprise should move on to address the less significant impacts.

CHAPTER 3. PREVENTING AND MITIGATING ADVERSE HUMAN AND LABOUR RIGHTS IMPACTS ON MIGRANT WORKERS

After identifying and assessing the actual and potential adverse human and labour rights impacts on migrant workers, enterprises should effectively integrate the findings across relevant internal functions and processes, take appropriate actions to address the findings and provide or cooperate in providing remediation to the migrant workers who were identified as being adversely impacted by the enterprise's recruitment activities. Enterprises should support training and capacity building as appropriate to stakeholders involved in the enterprise's recruitment activities, to strengthen their efforts in preventing and mitigating the adverse impacts identified.



Integrating assessment findings across relevant internal functions and processes

In contrast with “embedding”, the process of “integrating” in due diligence is about taking the necessary actions to prevent and mitigate adverse human and labour rights impacts at the micro level.¹² This often includes allocating resources and identifying the functions, departments or individuals within the enterprise that need to be involved in deciding an effective response to address the rights impacts. In fair and ethical recruitment due diligence, the individuals involved are typically human resources staff, direct supervisors or managers of migrant workers, and staff who manage the enterprise's relationship with labour recruiters and PEAs (such as staff from procurement, contract managers, and facilities management staff). The enterprise must ensure that migrant workers, trade unions or migrant worker representatives are involved in planning the response. The enterprise may need to develop structured systems and clear internal reporting requirements to ensure effective collaboration across different departments and internal stakeholders.

Taking appropriate action to address the findings

Taking action on the findings from the assessment depends on whether the adverse impacts identified are actual (they have already occurred) or potential. Actual adverse impacts should be remediated, while potential adverse impacts should be prevented or mitigated. “Prevention” refers to activities that are intended to avoid an adverse impact from occurring in the first place, while “mitigation” refers to activities that reduce the impact of an adverse impact if it occurs.¹³ For example, directly paying all recruitment-related costs helps prevent migrant workers from falling into financial debt to secure their employment. If payment for certain recruitment-related costs is to be coursed through labour recruiters, establishing measures to ensure that labour recruiters do not charge these costs to migrant workers can help *mitigate* the adverse impact on migrant workers.

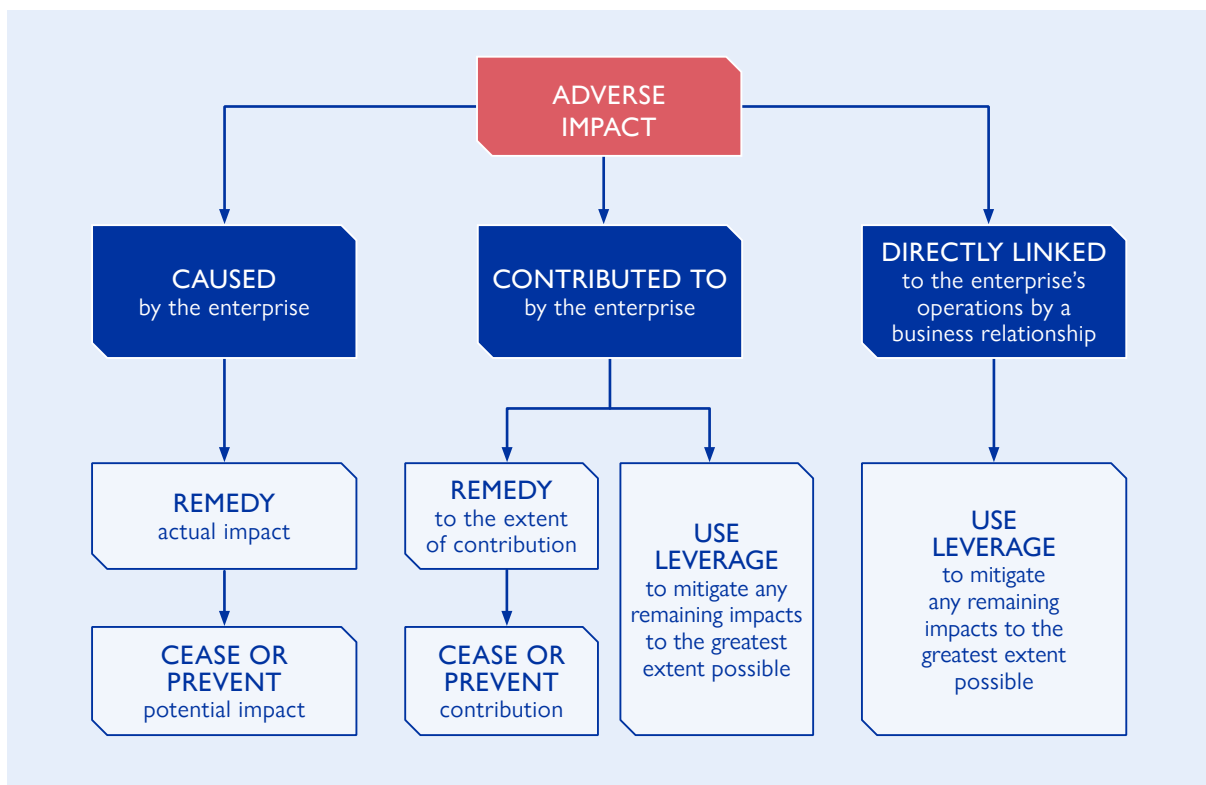
¹² OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (2012).

¹³ OECD, *OECD Due Diligence Guidance for Responsible Business Conduct* (2018).

How an enterprise should act also depends on its involvement in the adverse impact. According to the UNGPs:

- (a) If the enterprise has **caused** or **may cause** a negative human rights impact, it should provide the appropriate remedy, and/or take the necessary steps to cease or prevent the impact.
- (b) If the enterprise has **contributed** or **may contribute** to the adverse impact, it should provide the appropriate remedy to the extent of its contribution, and/or cease or prevent its contribution, and use leverage to mitigate any remaining impacts to the greatest extent possible.
- (c) If the adverse impact is **directly linked** to the enterprise’s operations or by a business relationship, appropriate action depends on whether the leverage over the entity can be exercised, the severity of the abuse, and the importance of the relationship. If leverage can be exercised, then the enterprise can use its leverage to mitigate the adverse impact.

FIGURE 10. ADDRESSING ADVERSE IMPACTS¹⁴



Enterprises can use the **Remediation Plan Template** in the Grievance and Remediation Management Tool (see Chapter 6) to help facilitate the remediation process if they need to remediate an identified adverse impact. A remediation plan can include provision of immediate needs and initial support to the migrant worker who was adversely impacted by the enterprise’s recruitment practices. Remediation must be complemented by an action plan to strengthen the enterprise’s due diligence and management system to prevent the same issue from recurring.

¹⁴ Illustration was adapted from the OECD Due Diligence Guidance for Responsible Business Conduct (2018).

The Self-assessment Checklist in Chapter 2 is linked to a **Corrective Action Plan Template** that will help enterprises develop systems-based action plans to cease, prevent, and mitigate identified adverse impacts on migrant workers, which will complement the remediation plan.

CORRECTIVE ACTION PLAN TEMPLATE

This tool supports enterprises in establishing a systematic plan to address the adverse human and labour rights impacts and due diligence gaps identified from self-assessment exercises. It includes recommendations and references to international standards to guide enterprises in developing their action plans.

As described in the last two involvement scenarios in Chapter 2, enterprises may sometimes find themselves involved in adverse impacts caused by entities in their supply chain that do not have a contractual relationship with them (directly-linked involvement). For these cases, enterprises are expected to increase their leverage to the greatest extent possible to influence direct business partners to prevent or mitigate adverse impacts. In the context of recruitment, leverage refers to the ability of an enterprise to effect change in the recruitment practices of another party that is causing or contributing to adverse human and labour rights impacts. Enterprises may increase their leverage by including their requirements on fair and ethical recruitment in service agreements with business partners and requiring these partners to establish the same requirements for other actors linked in the recruitment process (subagents, health service, training service and visa processing service providers). Enterprises may use or increase their leverage by linking their business partners' fair and ethical recruitment performance with business incentives – such as a commitment to long-term contracts and future job orders, providing capacity-building support, engaging with trade unions, migrant worker representatives and regulators to report and penalize non-compliance, and communicating the possibility of disengagement if the enterprises' requirements are repeatedly violated. If an enterprise does not have leverage, such as the enterprise is small and its job orders do not considerably impact the decisions of its partner labour recruiters and PEAs, it may work with enterprises that use the same labour recruiters and PEAs to pool resources and implement effective corrective actions with due consideration for competition laws.

Enterprises are also encouraged to join relevant multi-industry and multi-stakeholder initiatives to increase their reach, leverage and contribute to further fair and ethical recruitment. Greater collaboration among enterprises is needed to collectively address the root causes of migrant worker vulnerabilities, reinforce the highest standards on fair and ethical recruitment, reduce duplication of relevant due diligence requirements among labour recruiters and PEAs, and avoid conflicting messages.

Developing a training programme on fair and ethical recruitment

Training is a critical component of most corrective action plans. Stakeholders involved in the enterprise's recruitment activities should be informed of the adverse impacts of their operations and business relationships, and their role in preventing or mitigating these adverse impacts. Enterprises should ensure that all their staff have been adequately trained to enable them to meet their responsibilities. The

enterprise must also ensure that migrant workers are aware of their rights and the enterprise's fair and ethical recruitment due diligence efforts so they can take an active role in assessing the effectiveness of these efforts and in reporting any instances of non-compliance with the new policies and procedures that were established. As such, enterprises should involve trade unions and migrant worker representatives to ensure that their training materials are developed in a language that migrant workers can easily understand, is culturally sensitive, and accessible. Enterprises may use the **Training Management Tool** in this Toolkit to develop their fair and ethical recruitment training programme.

TRAINING MANAGEMENT TOOL

This tool supports enterprises in planning their training programme on fair and ethical recruitment. It includes a guide on how to develop an effective training programme using a segmented approach to help identify the specific training needs of internal stakeholders, including migrant workers, labour recruiters and PEAs. It also provides a means for enterprises to track the status of training progress against their established training plan.

Enterprises should coordinate with labour recruiters and PEAs to ensure that migrant workers have received pre-departure orientation (PDO) before leaving their country of origin and post-arrival orientation (PAO) upon arrival in the country of destination. The **PDO Checklist** and **PAO Checklist** in this Toolkit outline the key topics and references that PDOs and PAOs should ideally cover.

PRE-DEPARTURE ORIENTATION (PDO) CHECKLIST

This tool outlines the critical information that migrant workers need to know before leaving their country of origin to ensure they have sufficient knowledge of their country of destination, their new living and work environment, and rights related to employment and migration. It includes recommended modules, topics and references that will be helpful for migrant workers and trainers handling PDOs.

POST-ARRIVAL ORIENTATION (PAO) CHECKLIST

This tool outlines the necessary workplace-specific and practical information about the country of destination that migrant workers need to know to support them in transitioning into their new environment. It includes recommended modules, topics and references that will be helpful for migrant workers and trainers handling PAOs.

CHAPTER 4. TRACKING IMPLEMENTATION AND RESULTS

Enterprises should establish a system to help track their performance in addressing the identified adverse human and labour rights impacts on migrant workers and gauge the effectiveness of their responses. Tracking enables enterprises to know if they are fulfilling their responsibility to respect the rights of migrant workers in practice and accurately communicate their efforts to stakeholders. Tracking is also a critical dimension of continuous improvement since it helps enterprises identify trends and patterns, highlights recurring problems that may require more systemic changes, and identify good practices that can be replicated in other areas of an enterprise's operations and management of business relationships.



Developing a monitoring system

Monitoring represents the ongoing tracking of progress of the enterprise's due diligence measures against its goals. Enterprises should first set the objectives and scope of their monitoring system to help determine specific key performance indicators and targets, plan the timelines and modality for monitoring activities, and identify the different stakeholders involved in the activities. Monitoring systems will vary for enterprises based on the context in which they operate, their size and the risks they face through activities and business relationships.

The timelines and frequency of monitoring activities should align with the prioritization decisions made in the context of risk prevention and mitigation. Monitoring activities for fair and ethical recruitment due diligence may also be integrated into existing monitoring and reporting processes, such as sustainability and modern slavery disclosure reporting.

Enterprises should set a clear methodology to verify that agreed upon actions have been carried out and validate whether they have been effective. Verification may include reviews of established policies, procedures and other relevant documentation, while the process of validating the effectiveness of completed actions may include worker interviews and assessments of issues raised through grievance mechanisms.

In instances when an enterprise finds that specific actions are not effective, it should seek to understand why this is the case, through internal consultations or external guidance, and consider updating its corrective action plan.

This Toolkit includes a **Monitoring Tool** that enterprises can use to keep track of the status and progress of their fair and ethical recruitment due diligence efforts.

 **FAIR AND ETHICAL RECRUITMENT DUE DILIGENCE
MONITORING TOOL**

This tool supports enterprises in tracking their due diligence progress. It provides an overview of the overall status and progress of an enterprise's fair and ethical recruitment due diligence. This can be used by enterprises in reporting due diligence efforts to internal and external stakeholders.

Incorporating migrant workers' perspectives on monitoring due diligence performance

One way of incorporating migrant workers' voices in monitoring due diligence progress is by conducting migrant worker interviews. This allows enterprises to gain first-hand insights into the effectiveness of measures they have put in place to prevent and mitigate the identified adverse human and labour rights impacts on migrant workers. Incorporating worker interviews as part of monitoring also allows enterprises to spotlight issues that were not captured during their assessments or not reported through grievance mechanisms.

This Toolkit includes a **Worker Interview Tool** that enterprises can use to conduct interviews as part of their fair and ethical recruitment due diligence. It includes questionnaires that take common human and labour rights risks into account for migrant workers directly recruited, recruited through labour recruiters or employed by PEAs. Enterprises should ideally use this tool to interview migrant workers upon arrival in their country of destination to identify any issues encountered throughout the recruitment process and assess the compliance of the enterprise's business partners with its fair and ethical recruitment policy. Conducting worker interviews immediately upon arrival shall enable the enterprise to address any reported issues as soon as possible and prevent any further adverse impacts on the migrant workers.

 **WORKER INTERVIEW TOOL**

This tool contains sets of interview questionnaires and tools to help record, track and summarize findings from the interviews. It supports enterprises in identifying trends and determining the appropriate actions they need to take after interviews. It comes with a detailed guide on the steps to be taken before, during and after worker interviews.

Enterprises should conduct a series of similar interviews throughout migrant workers' employment period and before returns to countries of origin.

Enterprises may also seek feedback from trade unions or migrant worker representatives, particularly those involved in the assessment and corrective action planning processes, to validate the effectiveness of their due diligence efforts. The enterprise's monitoring system will also benefit from integrating information from its operational-level grievance mechanisms (see Chapter 6 for more information). Enterprises may use the **Grievance and Remediation Monitoring Tool** to keep track of the status and progress of their grievance and remediation management processes.



GRIEVANCE AND REMEDIATION MONITORING TOOL

This tool presents a written and visual overview of all the grievances handled by the enterprise as recorded separately using the Grievance and Remediation Management Tool found in Chapter 6. It supports the monitoring of open and ongoing cases as well as helps analyze and identify key trends and challenges in the enterprise's due diligence and grievance management systems.

CHAPTER 5. COMMUNICATING HOW ADVERSE IMPACTS ARE ADDRESSED

Communicating human rights due diligence performance is vital to showing that a business enterprise is meeting its responsibility to respect human rights in practice. It is by “knowing and showing” that they demonstrate accountability for how they do business and build trust among their stakeholders. The frequency and form of communication will vary. At a minimum, enterprises should communicate their fair and ethical recruitment due diligence progress and results to affected stakeholders and formally report on how they address relevant actual and potential adverse impacts when recruitment is assessed to be a material topic for the enterprise.¹⁵



Communicating due diligence progress and results to affected stakeholders

The communication objectives and targeted stakeholder groups will determine the specific communication method to use. Direct communication (such as through one-on-one meetings or focused roundtable discussions) with staff, trade unions, and migrant worker representatives involved in implementation of the enterprise’s due diligence opens a platform to discuss challenges and develop strategies to further strengthen the enterprise’s efforts.

In communicating with migrant workers, it is important to highlight their rights and the enterprise’s policies and procedures on fair and ethical recruitment at all stages of the recruitment process. Communicating with migrant workers may pose challenges: enterprises need to consider their literacy, language and any cultural communication barriers (such as if verbal communication is seen as more respectful than written communication). It is important for enterprises to build effective migrant worker-management communication channels wherever possible.

Developing formal public reports

The UNGPs expect enterprises with operations that pose risks of severe human rights impacts to report formally to the public on how they address them. This reporting should:

- (a) Be in a form and frequency that reflect an enterprise’s human rights impacts and that are accessible to its intended audiences;

¹⁵ Requirements based on the UNGPs.

- (b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact;
- (c) Not pose risks to affected stakeholders, workers or to legitimate requirements for commercial confidentiality.

Enterprises are also increasingly expected by governments, shareholders, NGOs and consumers to disclose information on their adverse human rights impacts and due diligence efforts. Formal reporting on fair and ethical recruitment due diligence performance can be in standalone reports or part of non-financial disclosures, such as modern slavery statements and sustainability reports, which are required by laws or disclosed for human rights due diligence benchmarking and sustainability performance ratings for investors and shareholders. Enterprises may refer to the following guidelines and platforms for supply chain transparency disclosures and sustainability reporting where fair and ethical recruitment due diligence efforts can be included:

- ▶ [The California Transparency in Supply Chains Act: A Resource Guide \(2015\)](#)
- ▶ [EU Directive 2014/95 Guidelines on Non-financial Reporting \(2017\)](#)
- ▶ [UK Guidance: Publish an Annual Modern Slavery Statement \(2019\)](#)
- ▶ [Commonwealth for Slavery Act 2018: Guidance for Reporting Entities \(2018\)](#)
- ▶ [Global Reporting Index \(GRI\)](#)
- ▶ [Corporate Human Rights Benchmark \(CHRB\)](#)
- ▶ [Know the Chain](#)

CHAPTER 6. PROVIDING ACCESS TO REMEDY

As noted in the UNGPs, an enterprise cannot meet its responsibility to respect human rights if it fails to actively engage in the remediation of its adverse human rights impacts. Remediation is the process of providing a remedy for an adverse impact.¹⁶ Remedies can take a variety of forms, including apologies, restitution, rehabilitation, financial and non-financial compensation and punitive sanctions, as well as the prevention of the adverse impact through, for example, injunctions or guarantees of non-repetition.



Adverse impacts in international recruitment may occur despite an enterprise's best due diligence efforts, given the complexity of operations and business relationships involved. Enterprises should establish operational-level grievance mechanisms for migrant workers that can be accessed during the recruitment process, so enterprises can quickly respond to grievances and provide appropriate remedies.

Establishing operational-level grievance mechanisms for migrant workers

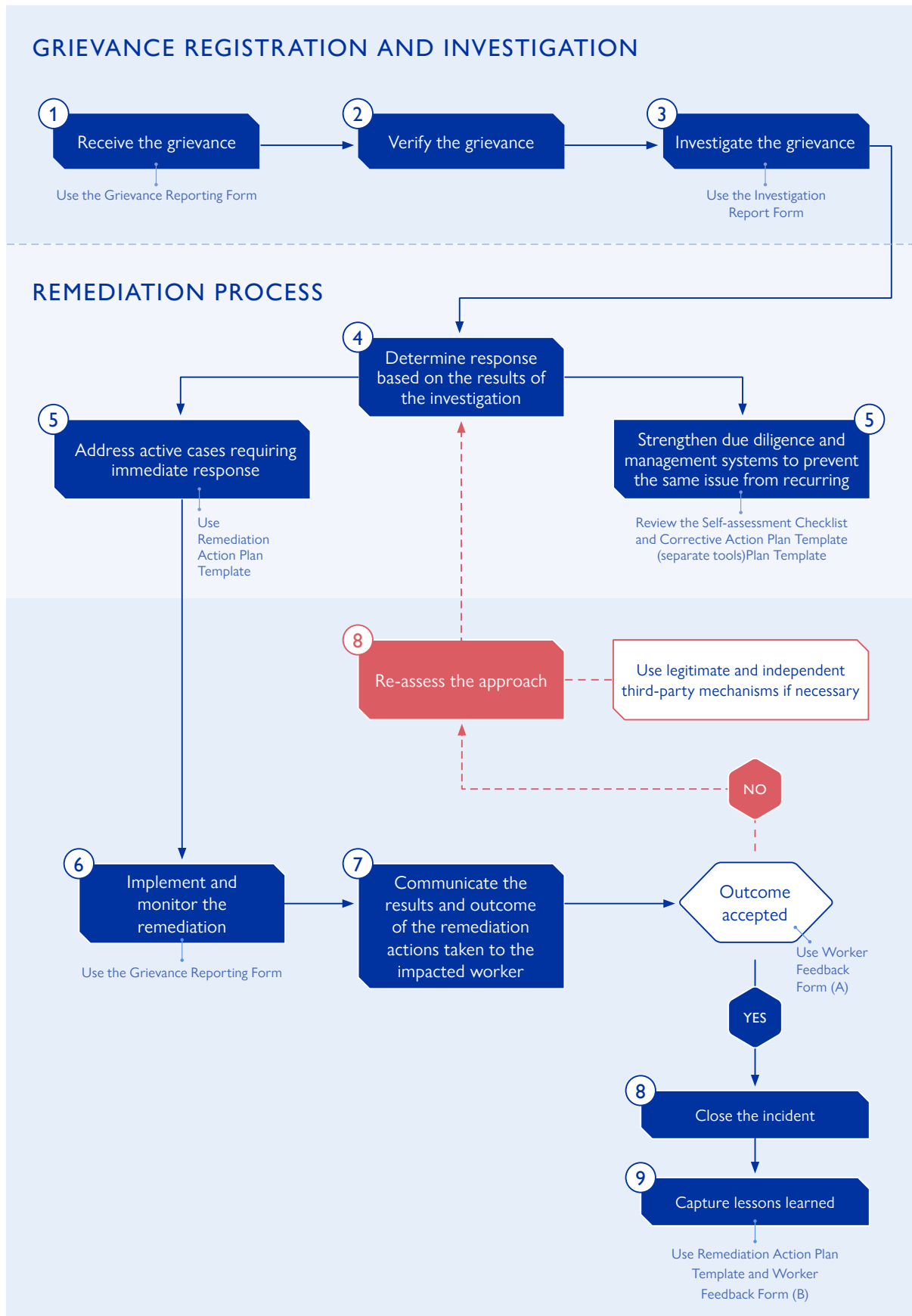
An operational-level grievance mechanism is a formalized means through which individuals or groups can raise concerns about the impact an enterprise has on them – including, but not exclusively, on their human rights – and can seek remediation.¹⁷ The UNGPs include a set of criteria which provide a benchmark for ensuring the effectiveness of a grievance mechanism.¹⁸ A good operational-level grievance mechanism typically includes the steps highlighted in the process flowchart in Figure 11.

¹⁶ OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (2012).

¹⁷ OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (2012).

¹⁸ See the UNGPs' Effectiveness Criteria for Non-Judicial Grievance Mechanisms on page 33.

FIGURE 11. GRIEVANCE AND REMEDIATION MANAGEMENT PROCESS



The templates provided in the **Grievance and Remediation Management Tool** can be utilized to facilitate the remediation process for grievances reported by migrant workers.



GRIEVANCE AND REMEDIATION MANAGEMENT TOOL

This tool contains guides and templates that enterprises can use to help facilitate and implement their grievance and remediation management processes. It contains templates for reporting grievances, preparing investigation reports, managing remediation, and collecting workers' feedback.

Enterprises should ensure that migrant workers have access to effective grievance mechanisms during the recruitment process and are trained to use them. Enterprises may train migrant workers on the grievance mechanisms available to them during the recruitment process through PDOs. Designing grievance mechanisms made available to migrant workers during the recruitment process should take into account the context in the migrant workers' country of origin, their language and other potential barriers. Enterprises may refer to the following guidelines developed by IOM in developing grievance mechanisms and in providing remediation to migrant worker grievances.

- ▶ [Operational Guidelines for Businesses on Remediation of Migrant Worker Grievances.](#)
- ▶ [Remediation Guidelines for Victims of Exploitation in Extended Mineral Supply Chains.](#)

GLOSSARY



ACTUAL HUMAN RIGHTS IMPACT	An “actual human rights impact” is an adverse impact that has already occurred or is occurring.
ADVERSE HUMAN RIGHTS IMPACT	An “adverse human rights impact” occurs when an action removes or reduces the ability of an individual to enjoy his or her human rights.
BUSINESS RELATIONSHIPS	Business relationships refer to those relationships an enterprise has with business partners, entities in its value chain and any other non-State or State entity directly linked to its business operations, products or services. They include indirect business relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.
COUNTRY OF DESTINATION	In the migration context, a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly. Also known as See also host country, receiving country, State of employment.
COUNTRY OF ORIGIN	In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly. Also known as home country, State of origin.
COUNTRY OF TRANSIT	In the migration context, the country through which a person or a group of persons pass on any journey to the country of destination or from the country of destination to the country of origin or the country of habitual residence.
DEBT BONDAGE	The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
DUE DILIGENCE	An ongoing risk management process that all companies need to follow in order to identify, prevent, mitigate and account for how they address the adverse impact on human rights of their own activities or which may be directly linked to their operations, products or services by a business relationship. It includes four key steps: assessing actual and potential human

rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed.

EMPLOYER	A person or an entity that engages employees or workers, either directly or indirectly.
USER ENTERPRISES	A business enterprise that contracts the services of an employment agency, which in turn provides the services of an agency worker. The end-user employer usually supervises the work and it is normally performed on its premises; however, the end-user employer is not party to the employer employee contract or responsible for payment of wages directly to the worker.
EMPLOYER PAYS PRINCIPLE	No worker should pay for a job. The cost of recruitment should not be borne by the workers, but by the employer.
ENTERPRISE	Employers, labour recruiters other than public employment services, and other service providers involved in the recruitment process.
FAIR AND ETHICAL RECRUITMENT	Ethical recruitment means hiring workers lawfully (country of origin and destination, as well as international standards where those are higher), and in a fair and transparent manner that respects their dignity and human rights.
FORCED LABOUR	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.
GRIEVANCES	A perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities.
GRIEVANCE MECHANISM	Any routinized, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuse can be raised and remediation can be sought.

LABOUR MIGRATION	Movement of persons from one State to another, or within their own country of residence, for the purpose of employment.
LABOUR RECRUITER	The term Labour Recruiter refers to both public employment services and to private employment agencies and all other intermediaries or subagents that offer labour recruitment and placement services. Labour Recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks.
LEVERAGE	Is an advantage that gives power to influence. In the context of the Guiding Principles, it refers to the ability of a business enterprise to effect change in the wrongful practices of another party that is causing or contributing to an adverse human rights impact.
MANAGEMENT SYSTEMS	Refer to the way an organization manages the different, interrelated parts of its business, in order to meet its objectives. It is a framework for evaluating business risk and managing resources to properly plan, implement, monitor and improve business practice. For the purpose of IRIS, labour recruiters need to have a formal management system in place.
MIGRANT WORKER	A person who migrates or has migrated to a country of which he or she is not a national with a view to being employed otherwise than on his or her own account.
MITIGATION	The mitigation of adverse human rights impact refers to actions taken to reduce its extent, with any residual impact then requiring remediation. The mitigation of human rights risks refers to actions taken to reduce the likelihood of a certain adverse impact occurring.
OPERATIONAL-LEVEL GRIEVANCE MECHANISMS	Operational-level grievance mechanisms are accessible directly to individuals and communities who may be adversely impacted by a business enterprise. They are typically administered by enterprises, alone or in collaboration with others, including relevant stakeholders. Operational-level grievance mechanisms for those potentially impacted by the business enterprise's activities can be one effective means of enabling remediation when they meet certain core criteria, as set out in Principle 31.

POTENTIAL HUMAN RIGHTS IMPACT	A “potential human rights impact” is an adverse impact that may occur but has not yet done so.
PREVENTION	The prevention of adverse human rights impact refers to actions taken to ensure such impact does not occur.
PRIVATE EMPLOYMENT AGENCY (PEA)	Private employment agencies fall within the definition of Labour Recruiters as prescribed by Art.1.1 ILO Convention 181 on Private Employment Agencies. For the purpose of this toolkit, the term private employment agency refers to the agencies that provide recruitment and employment services in the destination country.
RECRUITMENT	The term recruitment includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies both to job seekers and those in an employment relationship.
RECRUITMENT FEES AND RELATED COSTS	Any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.
REMEDY	Refers to both the process of providing remediation for a negative human rights impact and the substantive outcomes that can counteract, or make good the negative impact. These outcomes may take a range of forms such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.
STAKEHOLDER	A stakeholder refers to any individual who may affect or be affected by an organization’s activities. An affected stakeholder refers here specifically to an individual whose human rights has been affected by an enterprise’s operations, products or services.
SUBAGENT	Informal and unlicensed individual agents who, working in usually loose partnerships with labour recruiters, are often the first point of contact for individuals seeking foreign employment. Subagents charge fees for their services, which distinguishes them from other individuals within “social

networks” that facilitate migration without charging fees. For the purpose of IRIS Scheme subagent refers to both formal and informal intermediary who may participate in recruitment of the migrant worker from country of origin.

SUBCONTRACTOR Refers to a person or business (operating as a registered entity) which has a contract (as an “independent contractor and not an employee”) with a contractor (labour recruiter) to provide some portion of the work or services on a project which the contractor has agreed to perform. The subcontractor is paid by the contractor for the services provided.

LIST OF REFERENCES AND RELEVANT RESOURCES



- ▶ Global Compact for Safe, Orderly, and Regular Migration
- ▶ Sustainable Development Goals (SDGs)

- HUMAN AND LABOUR RIGHTS STANDARDS
 - ▶ Universal Declaration of Human Rights
 - ▶ ILO's Declaration of Fundamental Principles and Rights at Work

 - ▶ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

- FAIR AND ETHICAL RECRUITMENT STANDARDS AND GUIDELINES
 - ▶ IRIS Standard
 - ▶ ILO General Principles and Operational Guidelines for Fair recruitment and Definition of Recruitment Fees and Related Costs

 - ▶ IOM's Migrant Worker Guidelines for Employers (MWGs)

 - ▶ Dhaka Principles for Migration with Dignity

 - ▶ Employer Pays Principle

 - ▶ ILO Convention 143 – Migrant Workers (Supplementary Provisions) Convention

 - ▶ The Montreal Recommendations on Recruitment: A Road Map towards Better Regulation

- DUE DILIGENCE FRAMEWORKS AND GUIDELINES
 - ▶ UN Guiding Principles on Business and Human Rights (UNGPs)

 - ▶ The Corporate Responsibility to Respect Human Rights: An Interpretive Guide

- ▶ OECD Due Diligence Guidance for Responsible Business Conduct
- ▶ OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector
- ▶ European Commission Employment & Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights
- ▶ IOM Labour Migration Process Mapping (LMPM) Guide

GRIEVANCE AND
REMEDATION
MANAGEMENT
GUIDELINES

- ▶ Operational Guidelines for Businesses on Remediation of Migrant Worker Grievances
- ▶ Remediation Guidelines for Victims of Exploitation in Extended Mineral Supply Chains



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