

GUIDANCE DOCUMENT



September 2017

Responsible Recruitment Guidelines for BSCI Participants

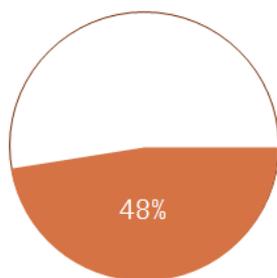
This document will help BSCI participants conduct due diligence and encourage the continuous improvement of responsible recruitment practices in their global supply chains.

1. OBJECTIVE FACTS AND FIGURES: MIGRATION AND EMPLOYMENT

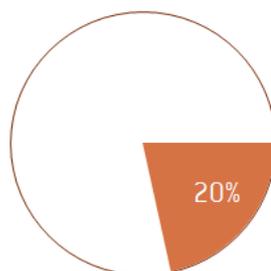
Migration is a global trend that shows no signs of slowing. In 2015, the number of international migrants worldwide reached 244 million, up from 173 million in the year 2000. Most internal and international migration today is motivated by the search for jobs. Two-thirds of international migrants are workers (150 million as of 2013), while, an estimated 740 million people are internal migrants moving from rural areas to urban centres, particularly in the Asian-Pacific and Africa.

When supported by appropriate policies, migration can contribute to the inclusive and sustainable economic growth and development of both home and host communities. Migrants often fill critical labour shortages, create jobs as entrepreneurs, and contribute to social systems through taxes and social security payments. However, in the absence of clear regulatory framework, migrant workers are exposed to risks of exploitation, including the likes of human trafficking.

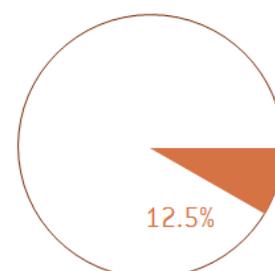
The following groups are most vulnerable to exploitation:



Women:
48% of international migrants (2015)



Migrants in irregular situations i.e. entering and/or remaining in a country without requisite documentation: one fifth of the total.

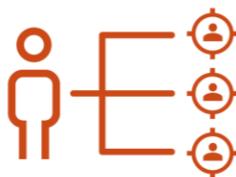


Young workers between the ages of 15 and 24: one in eight of the total.

ABUSIVE RECRUITMENT AND NEGATIVE IMPACTS ON WORKERS

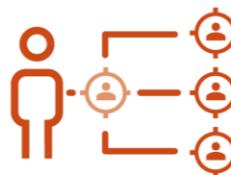
The recruitment process can represent a grave risk to workers, especially migrants. It is during this pre-employment phase that migrants may find themselves caught up in forms of abuse and exploitation:

Abusive recruitment practices can take place when workers, particularly migrants, are:



Employed directly:

The company or production unit identifies, selects, appoints and manages the workforce through its human resources department.



Recruited indirectly, through intermediaries:

- **Labour subcontractors:** service providers that hire workers and provide them employers for a fee (e.g. a gangmaster).

- **Labour brokers or recruiting agencies:** private entities or individuals who identify workers that match the employment needs of a company, in exchange for a service charge.

Severe violations of workers' rights can result from abusive recruitment practices, such as:

- Precarious working arrangements
- Restrictions on freedom of movement
- Bonded labour in extreme situations of cumulated debt or coercion exercised by employers.

These are the most common abusive recruitment practices to watch out for:

- **Contract deception** – such as the promising of contracts and working conditions that do not correspond to reality;
- **Physical or psychological violence** – such as threats of violence or denunciation to authorities, social isolation or confinement in dormitories;
- **Limitation of fundamental rights** – such as the confiscation of passports, identification documents or vital possessions (e.g. family pictures, money, land titles);
- **Economic** – such as recruitment in semi-legality to avoid taxes or payments of social benefits; retention of salary; illegal salary deductions or deductions that otherwise violate the terms of the employment contract;
- **Health related** – such as the imposition of excessive working hours and poor working conditions; and
- **Recruitment fees or inflated services fees against the promise of a job:**
 - Referring to any costs related to the placement of job-seekers, such as:
 - Advertising, soliciting, interviewing and providing orientation to job-seekers;
 - Obtaining and renewing documentation and permits like identity documents, visas, labour certifications, work and residence permits, background and security clearance checks and any other document required for residing and working in the country of employment;

- Transportation from the country of origin and housing, and repatriation at the end of employment;
 - On-boarding of job seekers, which should cover the likes of medical examinations, immunisations and training;
 - Fees charged by any party involved in the recruitment process such as recruiter, intermediary, attorney, language interpreter.
- The use of fees is often abused to demand payments from migrant workers at any point in their journey from home communities to final a destination (e.g. pre-departure and post-departure fees).
 - Fees can take the form of undocumented cash payments, wage deductions, reduction of benefit concessions, kickbacks, bribes, loans with high interest rates or free labour.

2. RISKS FOR BSCI PARTICIPANTS

In countries and regions with a high influx of migrant workers, BSCI participants should be aware of the risks that abusive recruitment practices pose to their business and the potential negative impacts on workers.

Most common risks can be classified as:

- **Legal** – related to the violation of soft and hard laws that prescribe due diligence in supply chains to prevent abusive forms of recruitment (e.g. UK Modern Slavery Act)
- **Business** – resulting from the reliance on suppliers which enact exploitative recruitment practices and are subject to sanctions in their countries of operation;
- **Reputational** – triggered by abuses reported in the media (e.g. consumers’ boycott).

A company can be directly or indirectly endorsing abusive recruiting practices.



4. RECOMMENDED ACTIONS FOR BSCI PARTICIPANTS

Active commitment:

Below are some of the actions BSCI participants should take to commit to responsible recruitment both in their own operations and in their supply chains.

- **Working conditions information:** Provide accurate and timely information to workers on employment conditions prior to, and during, the recruitment process, is always good practice and particularly relevant when recruiting migrants;
- **Work security:** Provide employment arrangements that follow the spirit of the law, diminish the risks of human and labour rights violations, and do not cause insecurity to the worker nor represent evasions or violations of the laws;
- **Recruiting fees:** Incorporate a company policy whereby recruitment fees from job-seekers are not accepted.

Practical steps



BSCI Participants can also take additional practical steps to progressively increase recruitment practice transparency in their supply chains.



STEP ONE: SCOPE

RESPONSIBLE



BSCI participants should define countries and supply chains containing the most severe risks, considering:

- Systemic risks in sourcing country or region
- Relevant industries or sectors
- Complex supply chains with multiple tiers where migrant workers are engaged



STEP TWO: STRATEGY

RESPONSIBLE



Define a strategy to increase transparency on significant business partners' recruitment practices by:

- Defining concrete targets, such as:
 - Number of producers that have mapped out recruiting agencies and/or labour sub-contractors they may use (see supply chain map in the BSCI Platform)
 - Number of producers that have requested that their significant business partners sign the BSCI Code of Conduct and receive audits (see the BSCI Commitment Formula)
 - Number of producers trained on responsible recruitment (see the FTA Academy)
- Communicating the responsible recruitment commitment to their significant business partners
- Defining how related departments will deal with undesirable recruiting practices found in the supply chain



STEP THREE: MONITORING

RESPONSIBLE



BSCI participants can intensify due diligence over producers' recruitment practices in their supply chains through:

- Reviewing available information on workforce composition and recruitment practices (e.g. reading previous audit reports.)
- Demanding the use of only qualified auditors to detect abusive recruitment practices. Criteria that applies to qualified auditors:
 - **Culture:** A good understanding of migrant workers' respective languages and cultures
 - **Laws:** A good understanding of migration policies in the relevant country and in relation to neighbouring countries.
 - **Gender:** Female auditors should interview female workforce.
- Scheduling audits during periods where seasonal migrant labour is more likely



STEP FOUR: REMEDIATION

RESPONSIBLE



Participants should promote the remediation of identified abusive recruitment practices in their supply chain through:

- A prompt reaction and follow-up to BSCI Zero Tolerance alerts
- Assigning relevant FTA Academy courses to concerned producers (e.g. responsible recruitment and grievance mechanism)
- Requesting that producers:
 - Use direct employment as much as possible.
 - Rely on licensed recruiting agencies and monitor their practices.
 - Assist migrant workers in completing the required registration processes, in line with national legislation.
 - Compensate workers who have been victims of abusive recruitment practices

BSCI Resources

- [Responsible Recruitment to End Worker Exploitation](#)
- [Guidelines for Syrian Workers](#)
- [Training Handout for BSCI Producers on Responsible Recruitment](#)

Useful References

- **The ILO Convention No. 29 / 1930** - Forced Labour. This is a fundamental convention that prohibits the use of forced or compulsory labour. It applies in any context and its neglect is a violation of fundamental human rights.
- **The ILO Convention No. 181 / 1997** - Private Employment Agencies. This convention prohibits the charging of any recruitment fee to workers. It has been ratified by [32 countries](#). Where ratified, the convention becomes embedded into national legislation and businesses are required to respect its principles.
- [The Dhaka Principles for migration with dignity](#). These are voluntary principles that provide a roadmap to businesses on how to promote the respect of migrant workers' rights. Among them the **Employer Pays Principle** states the responsibility of employers to pay recruitment costs: "The employer should bear the full costs of recruitment and placement. Migrant workers are not charged any fees for recruitment or placement".