

CHECKLIST:

EMPLOYMENT CONTRACTS

This non-exhaustive checklist will provide employers with practical guidance on:

- A. Preparing, signing and handling employment contracts with migrant workers: key steps
- B. Employment contract provisions

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**CHECKLIST:
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CONTRACTS**

This non-exhaustive checklist will provide employers with practical guidance on:

A Key steps for signing and handling employment contracts with migrant workers >

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1. Preparation and translation

1.1 The contract complies with applicable laws and does not violate migrant workers' rights recognized in international standards.

1.2 All terms and conditions of employment for migrant workers are not less favourable than those afforded to local workers.

1.3 There are no differences in terms and conditions of employment between what is stipulated in the employment contract, the job advertisement, original placement request by the employer and the information provided at all orientations to migrant workers.

1.4 The contract is in a simple language that migrant workers understand. Translations should be duly notarized.

1.5 The contract is approved by the relevant authorities at origin and destination countries (for example labour authorities or consular services).

2. Review and signing

2.1 A written copy of the contract is handed out to the candidates for their review during selection and orientation.

2.2 Before signing, migrant workers receive a full explanation of the terms and conditions outlined in the employment contract. Migrant workers are provided with an opportunity to ask questions related to their employment.

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2.3 Before signing, migrant workers can confirm their acceptance of employment and are made understand that they are free to leave the recruitment process at any time.

2.4 The contract is signed upon completion of all orientations and several days prior to the migrant worker's departure for the destination country.

3. Record handling and keeping

3.1 Migrant workers receive their own signed copy of the contract and are advised to keep their copy throughout the entire labour migration process.

3.2 Additional signed copies are kept on file by the recruiter and employer.

4. Amendments and revisions

4.1 Upon arrival, if migrant workers need to re-sign their employment contracts, the terms and conditions cannot be less favourable. Original copies must be kept on file.

4.2 The employer regularly updates laws and regulations related to terms and conditions of employment, informs migrant workers of the changes and make contract amendments where relevant.

4.3 Any contract amendments are clearly documented, translated, freely consented by the migrant workers, and additional authorizations are secured by authorities (including consular services).

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1. Parties to the contract

1.1 Employer's name and address

1.2 Migrant worker's personal information, including:

- Full name
 - Nationality
 - Gender
 - Date and place of birth
 - Address in country of origin
 - Passport number or equivalent government issued identification number
 - Emergency contact information
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1.3 Recruitment agency's name and address

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2. Terms and conditions of employment

2.1 Duration of employment

- Work start date and duration of contract (the start date of the contract should be the date of the migrant worker's arrival at the country of destination)
- Possibilities for contract extensions
- Duration of probation or trial period (if required)

2.2 Work location: Address of the usual workplace(s)

2.3 Job description

- Job title
- Description of tasks to be performed
- Obligation to seeking the written agreement of the migrant worker to change the job description and task and/or any other terms and conditions, in accordance with relevant labour departments and consular services

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2.4 Wages

- Regular wage rate and minimum net pay per month for regular work hours
- Wage rates for night work and holiday wage rates
- Overtime rates for work performed on (a) regular working days, (b) public holidays or (c) weekly rest days
- Form of payment
- Method and frequency of payment, and the migrant workers' bank account(s) in countries of origin and destination
- Provision of a written pay slip for each wage payment
- Full listing of any and all legal deductions and in-kind payments including specification of the type and amount of each deduction
- Description of additional benefits including medical and social insurance coverage, accident/injury insurance, leave entitlement and/or any other applicable benefits

2.5 Working hours

- Work and rest days
- Regular work hours and shifts
- Daily rest periods
- Minimum consecutive period of night rest

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- Anticipated overtime hours, and maximum allowable overtime hours that comply with the requirements of applicable laws and regulations
- Provision that overtime is undertaken with the consent of the worker, and the right of the migrant worker to refuse overtime without fear of retaliation
- Paid emergency leave
- Paid annual leave
- Paid sick leave
- Paid public holidays
- Maternity leave/ Paternity leave
- Parental leave
- Other leave entitlements
- Compensatory rest period if the normal period of rest is interrupted (e.g. overtime, including standby time or night work), irrespective of financial compensation

3. Description of recruitment process

3.1 Specification of steps during the recruitment process, including the pre-employment orientation, pre-departure orientation, signature of employment contracts, document processing, travel and post-arrival orientation

3.2 Specification of responsibilities of labour recruiters

3.3 Outline of all costs to be borne by the employer and the migrant worker

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4. Description of the return or change of employer process

- 4.1 Specification of steps during the return process, including exit interview, payment of all outstanding wages, benefits or other amounts prior to the migrant workers' return to the country of origin
- 4.2 Specification of responsibilities of labour recruiters
- 4.3 Outline of the costs to be borne by the employer and the migrant worker
- 4.4 Conditions under which employment contract can be terminated by the employer and the migrant workers, including notice period
- 4.5 Provisions for early termination of the employment contract by the migrant worker without penalty, including the required notice period
- 4.6 Provision on return costs in case of early termination of the employment contract by the migrant worker without required notice period
- 4.7 Disciplinary procedures and grounds for termination of contract by employer
- 4.8 Provisions for contract renewal and change of employer (as per applicable laws)

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5. Living conditions and accommodations

5.1 Detailed description of living conditions, including description of provided accommodation, basic furniture and equipment

5.2 Outline of the costs to be borne by the employer and the migrant worker, including the rates at which costs are charged to the migrant worker

5.3 Rules and regulations of accommodations, including disciplinary procedures

5.4 Mode of transport between home and employer facilities

5.5 Breakdown of any deductions for accommodations, meals, transportation or other services provided or offered by the employer

5.6 Details of any third-party service provider operating or involved in the provision of such services

5.7 Any other facility specific requirements, as applicable

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6. Employer policies and procedures

6.1 Prohibition of forced labour and human trafficking

6.2 Prohibition of charging recruitment fees and related costs to migrant workers

6.3 Equal treatment and safeguards against discrimination

6.4 Freedom of movement

6.5 Identity documents

6.6 Freedom of association and collective bargaining in line with applicable laws

6.7 Insurance policy and medical treatments, including yearly medical examinations required by applicable laws

6.8 Emergency protocols

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6.9 Privacy and data protection

Any work-related medical testing, examinations or treatment can only be undertaken with the worker's informed consent. Results from medical examinations, testing and treatment shall only be shared with the employer or any third party with the worker's informed, prior and written consent. Records of migrant worker interviews are always kept confidential unless the migrant workers consent to sharing (anonymously) the information provided.

6.10 Availability of grievance mechanisms, including for confidential reporting, for the entire labour migration process (recruitment and deployment, employment, return or onward migration)

7. Other legal frameworks in country of destination

7.1 Conditions under which entry and residence in the territory of immigration are permitted

7.2 Any other terms required by applicable laws and regulations, including those related to prohibitions on trafficking in persons