



# LABOUR MIGRATION PROCESS MAPPING GUIDE

Understanding and Assessing Human and  
Labour Rights Risks to Migrant Workers During  
Recruitment, Employment and Return

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# GLOSSARY

<b>Business partners</b>	Entities with which a business enterprise has some form of direct and formal engagement. <sup>1</sup>
<b>Country of destination</b>	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. <sup>2</sup>
<b>Country of origin</b>	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.
<b>Data processing</b>	Means the manner in which personal data are collected, registered, stored, filed, retrieved, used, disseminated, communicated, transferred and destroyed. <sup>3</sup>
<b>Data protection</b>	The systematic application of a set of institutional, technical and physical safeguards that preserve the right to privacy with respect to the collection, storage, use and disclosure of personal data.
<b>Data subject</b>	[An individual] who can be identified directly or indirectly by reference to a specific factor or factors. <sup>4</sup>
<b>Debt bondage</b>	The status or condition arising from a pledge by a debtor of his [or her] personal services or those of a person under his [or her] control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
<b>Discrimination</b>	Any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status [including gender], and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms. <sup>5</sup>
<b>Due diligence</b>	An ongoing risk management process that a reasonable and prudent business enterprise needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts. Due diligence 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. <sup>6</sup>
<b>Employer</b>	A person or an entity that engages employees or workers, either directly or indirectly. <sup>7</sup>

1 IOM, *Migrant Worker Guidelines for Employers* (Geneva, 2021).

2 IOM, *Glossary on Migration* (Geneva, 2019). Unless otherwise noted, definitions given in this glossary are drawn from here.

3 IOM, *Data Protection Manual* (Geneva, 2010).

4 Ibid.

5 See also the ILO definition of discrimination in the *Discrimination (Employment and Occupation) Convention*, 1958 (No. 111).

6 IOM, *Migrant Worker Guidelines for Employers* (Geneva, 2021).

7 ILO, *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs* (Geneva, 2019).

<b>Employer Pays Principle</b>	Reflecting Principle 1 of the Dhaka Principles for Migration with Dignity, the Employer Pays Principle is a commitment to ensure that no worker should pay for a job. <sup>8</sup>
<b>Employment agent, employment agency</b>	Any natural or legal person who provides services consisting of hiring or engaging migrant workers to make them available to a third party that assigns tasks and supervises the execution of these tasks. <sup>9</sup>
<b>Exploitation</b>	The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit.
<b>Forced/compulsory labour</b>	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/herself voluntarily.
<b>Freedom of movement (right to)</b>	In human rights law, a human right comprising three basic elements: freedom of movement within the territory of a country and to choose one's residence, the right to leave any country and the right to return to one's own country.
<b>Gender-based violence and harassment</b>	Violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. <sup>10</sup>
<b>Gender equality</b>	The equal rights, responsibilities and opportunities of all individuals regardless of their gender identity.
<b>Gender responsive</b>	The consistent and systematic attention given to the gendered differences among individuals in society with a view to addressing status quo and structural constraints to gender equality. <sup>11</sup>
<b>Gender sensitive</b>	Taking into account particularities pertaining to the lives of both women and men with an aim to eliminate inequalities and promote gender equality, including an equal distribution of resources. <sup>12</sup>
<b>Grievance</b>	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. <sup>13</sup>
<b>Grievance mechanism</b>	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 remedy can be sought. <sup>14</sup>

8 IHRB, *The Employer Pays Principle*, webpage.

9 IOM, *IRIS Standard*, webpage.

10 ILO, *ASEAN Media-friendly glossary on migration: Women migrant workers and ending violence against women (EVAW) edition* (2020).

11 Ibid.

12 Ibid.

13 United Nations guiding principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" framework (New York and Geneva, 2011).

14 Ibid.

<b>Labour migration</b>	Movement of persons from one State to another, or within their own country of residence, for the purpose of employment.
<b>Labour recruiter</b>	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. <sup>15</sup>
<b>Management system</b>	Refers 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. <sup>16</sup>
<b>Migrant worker</b>	A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. <sup>17</sup>
<b>Need-to-know basis</b>	Means the case-by-case granting or denying or authorized access to categories of personal data after careful deliberation. <sup>18</sup>
<b>Personal data</b>	Refers to any information relating to an identified or identifiable data subject.
<b>Pre-departure orientation programmes</b>	Courses designed to help prospective migrants, including refugees, acquire the knowledge, skills and attitudes needed to facilitate their integration into the country of destination. They also address expectations and provide a safe and nonthreatening environment in which to answer migrants' questions and address concerns.
<b>Recruitment</b>	Includes the advertising, information dissemination, selection, transport, placement into employment and, for migrant workers, return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship. <sup>19</sup>
<b>Recruitment fees and related costs</b>	Any fees or costs incurred in the recruitment process in order for migrant workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. <sup>20</sup>
<b>Remedy</b>	The legal processes aimed at redressing the violation of a right, as well as the substantive outcome of such a process.
<b>Remediation</b>	Includes apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions, as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. <sup>21</sup>

15 ILO, *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs* (Geneva, 2019).

16 IOM, *IRIS Standard*, webpage.

17 IOM, *Glossary on Migration*, International Migration Law No. 34 (Geneva, 2019).

18 This is the definition given in the IOM template for *data transfer agreements* between IOM and any receiving party.

19 ILO, *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs* (Geneva, 2019).

20 Ibid. Also, see a full breakdown of fees and costs.

21 United Nations guiding principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" framework (New York and Geneva, 2011).

<b>Return</b>	In a general sense, the act or process of going back or being taken back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilized combatants; or between a country of destination or transit and a country of origin, as in the case of migrant workers, refugees or asylum-seekers.
<b>Rights-based</b>	A rights-based approach [RBA] is a conceptual framework and methodological tool for developing programmes, policies, and practices that integrate the rights, norms and standards derived from international law... RBA is a conscious and systematic integration of rights and rights principles into all stages of the [labour migration process mapping]... Rights issues at stake in a particular project [such as a labour migration process mapping] must be identified and considered throughout each phase of the project... Rights are not only considered as part of the results of a project but as an integral part of the process of the actual programming. This is done by the application of the rights principles which should guide all phases of the project cycle. These six principles are: universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and rule of law. <sup>22</sup>
<b>Subagent</b>	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. <sup>23</sup>
<b>Subcontractor</b>	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. <sup>24</sup>
<b>Subcontracted worker</b>	A worker, including a migrant worker, who is not directly employed by the business enterprise but rather by a subcontractor or an employment agency. Also known as an indirect worker. <sup>25</sup>
<b>Trafficking in persons</b>	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

22 IOM, *Rights-based Approach to Programming* (Geneva, 2015).

23 IOM, *Migrant Worker Guidelines for Employers* (Geneva, 2021).

24 Ibid.

25 Definition provided by the authors of this report.



# INTRODUCTION

This guide provides step-by-step instructions on how to carry out labour migration process mapping – an exercise that allows business enterprises to retrace the steps that migrant workers take from their communities of origin to their workplaces in destinations. This exercise goes beyond traditional social auditing, as it provides business enterprises with a more detailed and nuanced understanding of migrant workers’ experiences during the labour migration process. It also helps business enterprises identify and address systemic issues within their operations and supply chains that make migrant workers more vulnerable to exploitation. The insights gained from labour migration process mapping can help business enterprises strengthen their business practices, including human rights due diligence procedures, grievance mechanisms and remediation pathways.

This guide was developed as part of the International Organization for Migration (IOM) Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) initiative in Asia. It is aligned with international human rights and labour standards and frameworks on international migration. It is informed by extensive IOM experience working with governments, civil society, migrant workers and the private sector, as well as by the collection of good practices by employers, labour recruiters and multinational enterprises. Importantly, this guide is grounded in direct IOM experience working with business enterprises to map the journeys and experiences of migrant workers in international supply chains. As a result, it incorporates the voices and perspectives of migrant workers and their representatives, government regulators, employers, labour recruiters and other relevant service providers from multiple industries and sectors across 15 countries.

This guide is underpinned by the premise that all business enterprises have a responsibility to organize and run their business and manage partnerships in a manner that respects human rights and addresses and mitigates risks of harm. It builds on the United Nations Guiding Principles on Business and Human Rights (UNGP), the Organisation for Economic Co-operation and Development’s (OECD) Guidelines for Multinational Enterprises, the OECD Due Diligence Guidance for Responsible Business Conduct, the International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, as well as related standards, conventions and guidance on responsible business conduct (see [Annex A](#) for additional resources including relevant ILO instruments).

This guide is designed primarily for business enterprises with complex international supply chains where migrant workers are present. This includes but is not limited to buyers, employers, business partners providing services such as security, cleaning, warehousing, logistics, etc., and labour recruiters. Labour migration process mapping can help business enterprises build stronger, more collaborative relationships with their partners, increase the overall transparency of their supply chains and improve access to decent work for migrant workers. These partners include – but are not limited to – civil society organizations, trade unions, auditors, international organizations, embassies, labour attachés and industry groups and associations, as well as supply chain business partners.

This guide can also be used by governments to strengthen public policy frameworks and procurement practices, as well as a range of stakeholders that are involved in, or advocate for, ethical recruitment, employment and return of migrant workers. This guide will remain a living document and will be updated as needed in coordination with IOM partners and stakeholders.

# OVERVIEW OF THE LABOUR MIGRATION MAPPING PROCESS GUIDE



**Glossary.** Provides definitions for key terms used in this document and common terms relating to the labour migration process.

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**The migrant worker journey.** Provides an overview of the labour migration process and the risks facing migrant workers.

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**Outline of labour migration process mapping.** Provides an overview of the labour migration process mapping approach and implementation phases, the key stakeholders involved and the six labour migration process mapping principles.

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**Implementation guidance.** Provides step-by-step instructions on how to implement the eight phases of labour migration process mapping.

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**Supporting tools.** Provides a summary of and links to migrant worker and management interview tools.



A farmer picking up persimmon in Taiwan Province of the People's Republic of China. © yulin\_c1002/Pixabay

A close-up photograph of a woman with dark hair, wearing a light blue surgical mask. She is looking directly at the camera with a neutral expression. The background is dark and out of focus, showing some blurred light sources. A semi-transparent blue overlay covers the bottom half of the image, containing the title text.

# THE MIGRANT WORKER JOURNEY

Worker in a garment factory in Thailand. © IOM 2021 / Javier VIDAL

Recent reports estimate that around one in seven people worldwide are migrants. While most people move within their country of birth, about a quarter of all migrants (280.6 million people) move between countries in search of better employment, education and livelihood opportunities and more stable and peaceful environments. Nearly two thirds of all international migrants (169 million people) move for work, with men a slightly higher proportion of migrant workers than women.<sup>26</sup>

Migrant workers make a valuable contribution to society. They support the development of their countries of origin through remittances, and they help facilitate the transfer of skills and creation of business and trade networks. In destination countries, migrant workers help fill critical labour shortages, especially within the context of ageing populations and changing labour market trends and demographics. Migrant workers also contribute during times of emergency and crisis, such as providing frontline health and essential services, including the supply of food and medical equipment during the COVID-19 pandemic.<sup>27</sup>

<sup>26</sup> IOM, *World Migration Report 2020* (Geneva, 2019); ILO *Global Estimates on International Migrant Workers: Results and Methodology*, third edition (Geneva, 2021).

<sup>27</sup> IOM, *IOM strategic response and recovery plan COVID-19 2021*.

The journeys that migrant workers take from their community in the country of origin, through countries of transit or directly to the worksite in the country of destination, can be broken down into three stages:



### Recruitment and deployment

- In many cases, migrant workers will be recruited for a job abroad by one or several labour recruiters in their community in the country of origin. Migrant workers will typically go through a screening and selection process and will be provided with an employment contract. They will also need to complete several steps, including passing medical tests, obtaining travel documentation, and undertaking pre-departure orientation, prior to their travel to the country of destination. Once in the country of destination, migrant workers will often complete other steps, including passing additional medical tests, obtaining security clearances, and seeking work permits. This stage of the labour migration process involves many stakeholders in both the country of origin and the country of destination. The stakeholders include but are not limited to labour recruiters and subagents; employment agencies; medical, training, transport, and housing providers; government departments; and the employer.

### Employment

- This is the stage when migrant workers begin their employment at the worksite in the country of destination. Migrant workers can be direct employees of the business enterprise or employed by a third-party employment agency (as is often the case for cleaners and security guards, for instance). Regardless of their employment status, business enterprises have a responsibility to respect the rights of migrant workers.

### Return or onward migration

- Following the completion of their temporary employment in the country of destination, migrant workers typically return to their community in the country of origin.<sup>28</sup> Employers are responsible for facilitating the safe return of migrant workers, in coordination with relevant actors such as labour recruiters and travel agencies. Migrant workers should return to countries of origin well prepared for reintegration into their communities and local labour markets.<sup>29</sup>

It should be noted that the description above refers to migration through regular channels. Migrant workers who seek employment through irregular channels may encounter fewer steps and stakeholders; however, they are often more vulnerable to abuse due to their precarious migration status.

While most migrant workers have positive migration and employment experiences, migrant workers can be more vulnerable to exploitation as a result of poorly regulated recruitment and employment practices. The latest global estimates on modern slavery indicate that migrant workers represent almost a quarter of the 25 million victims of forced labour globally.<sup>30</sup> Most victims of forced labour suffered multiple forms of coercion from employers or labour recruiters, who sought to prevent them from leaving exploitative situations. An ILO study revealed that nearly 24 per cent of victims had their wages withheld or were prevented from leaving by threats of non-payment of due wages. This was followed by 17 per cent facing threats of violence, 16 per cent being subjected to acts of physical violence and 12 per cent facing threats against family. For women, 7 per cent of victims reported acts of sexual violence.<sup>31</sup> Debt bondage, through the manipulation of debt by employers or labour recruiters, affected more than half of all victims of forced labour exploitation.<sup>32</sup>

<sup>28</sup> It is important to note that migration routes and practices may change over time and can differ depending on involved countries and migration context.

<sup>29</sup> IOM, *Migrant Worker Guidelines for Employers* (Geneva, 2021).

<sup>30</sup> ILO, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, 2017).

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

Migrant workers can also be exposed to a wide range of employment-related abuses. While these abuses may not amount to forced labour, they can have a significant and detrimental impact on migrant workers' well-being and earning capacity. These include employment and wage discrimination, poor working and living conditions, discrimination, harassment and violence (including gender-based violence), restrictions to their freedom of movement, restrictions to their freedom of association and collective bargaining, lack of access to social protection and language and cultural barriers.<sup>33</sup> These work-related risks can result in a higher incidence of occupational injuries and work-related diseases among migrant workers, compared with non-migrant workers.<sup>34</sup> Despite their increased level of risk, it is often very difficult for migrant workers to access remedy when harm has occurred.

The COVID-19 pandemic has further exacerbated the pre-existing risks faced by migrant workers. Migrant workers face severe risks of contracting the disease in many countries due to their socioeconomic status, often living in crowded or otherwise substandard environments, facing restricted access to health and support services, and facing cultural and linguistic barriers to accessing information.<sup>35</sup> As business enterprises adjust to this new operating environment, and prepare for international recruitment to scale up, it is critical to ensure this is done ethically and responsibly. With ongoing restrictions on travel, business enterprises will need to develop new approaches, including remote engagement techniques, to carry out human and labour rights due diligence in their supply chains. This guide and supporting tools can be adapted for use in line with COVID-19 safety requirements.<sup>36</sup>

More information on the challenges and risks facing migrant workers can be found at [Annex B](#).



Workers hang thousands of metres of different coloured fabrics to dry in Dhaka, Bangladesh. © Maruf Rahman 2021/Pixabay

<sup>33</sup> ILO, [Safety and health for migrant workers](#), webpage.

<sup>34</sup> Ibid.

<sup>35</sup> IOM, [COVID-19 and the risk of exacerbating existing vulnerabilities](#), Migration factsheet no. 6 – the impact of COVID-19 on migrants (2019).

<sup>36</sup> See IOM, [Responding to COVID-19](#), webpage.



# OUTLINE OF LABOUR MIGRATION PROCESS MAPPING

Thai migrant workers receiving flyers on safe migration. © IOM 2017 / Benjamin SUOMELA

Labour migration process mapping provides practical guidance for business enterprises to identify, mitigate and address the human and labour rights risks faced by migrant workers within international supply chains. Going beyond a traditional social audit, it allows business enterprises to identify the risks associated with all stages of the labour migration process, understand root causes, develop an effective plan to remedy adverse human rights impacts, design stronger policies, and improve management systems to sustainably address existing and potential risks.

Migrant workers experience a variety of challenges and abuses during their recruitment, employment and return. These range from minor disputes, such as cultural misunderstandings between migrant workers and supervisors, to serious human rights and labour violations, including forced labour and human trafficking. While this guide focuses primarily on identifying and addressing practices that are linked to forced labour, the exercise of labour migration process mapping may lead to business enterprises uncovering incidences of human trafficking or other employment related abuses. If this occurs, business enterprises are strongly encouraged to seek specialized guidance in line with applicable national laws and international standards on how to address these issues, especially in relation to human trafficking, noting that the rights and well-being of migrant workers should always be prioritized and protected. The IOM Handbook on Direct Assistance for Victims of Trafficking<sup>37</sup> provides guidance and advice necessary to effectively deliver a full range of assistance to victims of trafficking from the point of initial contact and screening up to the effective social reintegration of survivors.

Labour migration process mapping involves eight key phases of action, which are summarized in the figure below and described in greater detail in the [Implementation Guidance](#). Practical tools are linked throughout the guide to support the implementation process.

<sup>37</sup> IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2019).

The labour migration process mapping approach is:

- **Worker centred.** Keeps the welfare of migrant workers at the centre of the approach.
- **Broad in scope.** Assesses a broad range of stakeholders involved in the labour migration process, including buyers, employers, labour recruiters and service providers.
- **Collaborative.** Engages in meaningful dialogue with all stakeholders to contribute to the process, share responsibility and deliver the best outcomes for migrant workers.
- **Impartial.** Gathers the perspectives of a broad range of stakeholders, including migrant workers and various levels of the business enterprise being assessed (that is, it is not limited to those departments involved with corporate and social responsibility).
- **Gender responsive and gender inclusive.** Identifies gender-specific vulnerabilities and mitigates adverse impacts for workers of different genders throughout the process.
- **Sustainability driven.** Focusses actions on root causes of issues, thereby leading to long-term solutions.
- **Flexible.** Adapts the steps and tools to diverse cultural and religious contexts, migration corridors and economic sectors, and expands topics covered in consultation with third-party experts.
- **Intersectional.** Considers how factors such as gender, race, class, caste, ethnicity, sexuality, gender identity, disability, nationality, immigration status, geographical location and religion intersect to create specific types of migrant worker vulnerabilities and needs that should be considered.<sup>38</sup>

## KEY STAKEHOLDERS

This guide refers to many different stakeholders involved in labour migration process mapping activities. These include the following:



### Migrant workers

A migrant worker is a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.<sup>39</sup> Migrant workers’ views and inputs should be central to labour migration process mapping activities. They play a crucial role in identifying risks faced by themselves and their peers throughout the migration process. To promote inclusion, migrant workers of all demographics should be involved at all stages of the process. Demographic factors include, but are not limited to, sex, gender, sexual orientation, religion, nationality, ethnicity, age and disability.



### Assessors

The assessor is the business enterprise or government entity that is conducting a labour migration process mapping of its supply chain. Note that non-government entities can also carry out assessments when commissioned to do so by supply chain actors.

<sup>38</sup> UN-Women, *The value of intersectionality in understanding violence against women and girls* (London, 2019).

<sup>39</sup> IOM, *Glossary on Migration*, International Migration Law No. 34 (Geneva, 2019).



## Business enterprises to be assessed

The labour migration process mapping activities will assess a range of stakeholders, typically including:

- **Employers (for example, suppliers).** Any business enterprise that employs migrant workers either directly or indirectly, such as through the services of an employment agency in the case of contract or agency workers.
- **Labour recruiters.** This includes both public and private labour recruiters that provide a range of recruitment services, from advertising, screening, and interviewing applicants to organizing migrant workers' documentation, medical tests, pre departure training and travel. For the purpose of this guide, the term labour recruiter is also used to capture employment agencies, which perform a similar role to labour recruiters but also act as the formal employer on the record. Labour recruiters and employment agencies can be based in origin or destination countries.
- **Subagents.** 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” who facilitate migration without charging fees. The term subagent may refer to both formal and informal intermediaries who may participate in the recruitment of the migrant worker from their country of origin.<sup>40</sup> Charging of recruitment fees and related costs often occurs at subagent level, with little transparency around payments made. In many cases, a business enterprise carrying out mapping activities (and sometimes labour recruiters themselves) may not be aware of subagents involved at the start of the process.
- **Service providers.** Business enterprises in both countries of origin and countries of destination that support key processes related to the recruitment, employment and return of migrant workers. Such services might include providing transportation, accommodation, issuing or processing documents, medical testing, cleaning, catering, providing security and so on. Service providers are external providers that may or may not be connected with the relevant employer or labour recruiter.



## Government actors

Local government actors often act as service providers, supporting key processes related to recruitment, employment and return. They can play an important role in preventing forced labour and human trafficking. Services provided can include issuing or processing documents or licenses, medical testing, and providing support to migrant workers who have faced abuses or need to be repatriated. Some governments provide one-stop integrated service centres, which aim to simplify the migration process by providing all migration-related services in one place. Embassies also play an instrumental role in issuing work permits to migrant workers and providing support when needed.



## Other relevant stakeholders

They include civil society organizations, trade unions and worker representatives,<sup>41</sup> and international organizations.

<sup>40</sup> IOM, IRIS Standard.

<sup>41</sup> With regard to trade unions and worker organizations more broadly, refer to the ILO [Freedom of Association and Protection of the Right to Organise Convention](#), 1948 (No. 87) and the [Right to Organise and Collective Bargaining Convention](#), 1949 (No. 98).



## LABOUR MIGRATION PROCESS MAPPING PRINCIPLES

The following set of principles should be applied to all labour migration process mapping activities. They are underpinned by the UNGPs on business and human rights<sup>42</sup> and other relevant international guidance.



### Meaningful engagement with and protection of migrant workers

Consult with, engage and include migrant workers of all demographic groups, where possible, in all labour migration process mapping activities. Enable migrant workers to participate in activities voluntarily, and take all necessary action to protect migrant workers, their family members and representatives from harm and retaliation.



### Access to effective grievance mechanisms and remediation

Ensure that business grievance mechanisms align with the UNGP effectiveness criteria and are set up to receive and address complaints from migrant workers. Ensure that migrant workers of all demographic groups are empowered to access business mechanisms, as well as State-led mechanisms and other support services, including those run by civil society organizations. When harm has occurred, work with relevant stakeholders to provide prompt and effective remediation to migrant workers. Remediation must be appropriate and proportional to the severity of the violation and adapted to the circumstances of each case. Confidential complaint and feedback mechanisms with clear reporting channels should be established. This is especially important for migrant workers who experience sexual exploitation and abuse at the hands of other workers, and where mechanisms are inadequate or do not exist.



### Confidentiality and data protection

Ensure the confidentiality and protection of all data, including personal data, in accordance with the IOM Data Protection Principles and applicable regional or national legislation. Ensure that the informed and voluntary consent of migrant workers is obtained prior to collecting their personal data. If personal data will be shared with any third party or intended recipient, specific consent from the migrant worker should also be obtained. Further, ensure that personal data will be kept securely, and will be properly destroyed after an agreed period of time and when it is no longer needed for the specified purpose for which it was collected.<sup>43</sup>



### Non-discrimination

Conduct labour migration process mapping activities in an inclusive and sensitive manner for migrant workers of all demographic groups, inclusive of those with diverse gender identities or expressions. Train staff on the principles of equality and non-discrimination, with emphasis on how to engage with and support migrant workers who may be at heightened risk of becoming vulnerable or marginalized due to their sex, gender, sexual orientation, religion, nationality, ethnicity, age, disability and the like.

<sup>42</sup> United Nations guiding principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" framework (New York and Geneva, 2011).

<sup>43</sup> IOM, *Data Protection Manual* (Geneva, 2010).



## Transparency and integrity

Implement all activities transparently and with integrity. Be open and upfront about the information required for the implementation of activities with relevant stakeholders, including migrant workers of all demographic groups. Use the information collected as a source for continuous learning to improve labour migration processes for all migrant workers and to prevent further grievances and harm.



## Accountability

Establish and communicate clear lines of accountability and responsibility. Require all stakeholders to commit in writing to do no harm (including through non-retaliation and non-retribution), investigate allegations of harm, ensure the informed and voluntary consent of migrant workers of all demographic groups across all activities, and provide prompt and appropriate remediation, in line with migrant workers' wishes. Where criminal activity is suspected, stakeholders must collaborate to protect workers of all demographic groups first and foremost, whilst reporting the finding to relevant authorities and ensuring actions do not disrupt criminal justice efforts.



Female mechanic fixing car engine. © Chevanon Photography/Pexels



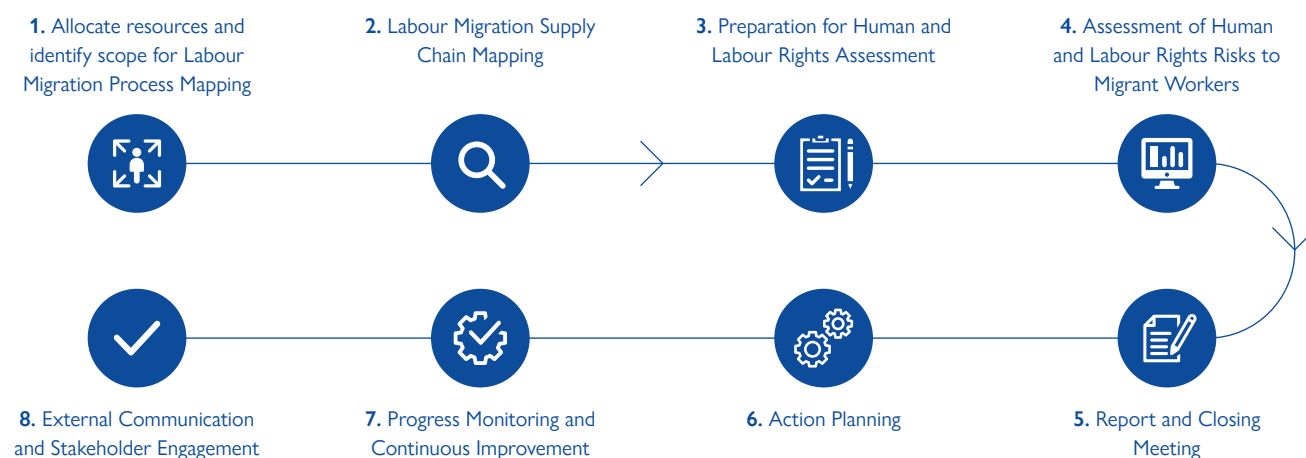
# IMPLEMENTATION GUIDANCE

Indian workers sew in a clothing factory in Dharavi slum. © Paul Prescott 2015/Bigstock

This section provides step-by-step instructions on how to implement the eight phases of labour migration process mapping. Each step is supported by a series of key actions, as well as practical tips, examples of good practice and supporting tools.

The information provided in this guide and supporting tools may need to be adapted to suit the specific business enterprise being assessed. For example, questionnaires and approaches used may need to be simplified to suit the more informal business models of subagents or small business enterprises.

## The phases of labour migration process mapping



## PHASE 1. ALLOCATE RESOURCES AND IDENTIFY SCOPE FOR LABOUR MIGRATION PROCESS MAPPING

The purpose of this phase is to allocate the necessary resources to support the labour migration process mapping, and to identify an initial scope of activities based on understood risks.

### Step 1 Assign responsibility

#### Key actions

- 1 Assign a responsible person or team to lead all labour migration process mapping activities.
  - Where applicable, allocate responsibility to teams that are already working on human rights due diligence (legal) requirements, as these staff are likely to have relevant experience and existing responsibilities for carrying out the different work phases. For example, this could include human resources or recruitment departments that are responsible for the recruitment and employment of migrant workers.
- 2 Establish an indicative budget to support labour migration process mapping activities.

**Tip!** For larger business enterprises, it is good practice to set up a working group that includes staff from all departments that engage in migrant worker-related issues to ensure the approach is implemented across the business. Invite labour union or migrant worker representatives to join the working group. Ensure all demographic groups are represented in the working group, and that representatives have sufficient knowledge of relevant sensitivities and how to appropriately address them.

### Step 2 Identify scope

#### Key actions

- 1 Define the scope of labour migration process mapping activities. Set the scope across the business operations, specific business partners, service providers, supply chain tiers and entire recruitment corridors, based on the existing understanding of migrant worker-related issues. Identify:
  - Which countries and suppliers are the most safe, orderly and accustomed to the labour migration process.
  - Possible human and labour rights risks faced by countries and supply chain sectors.
  - Risks that could occur in different countries or supply chain sectors and who (by gender and age groups) are most likely to be exposed to them.
  - Any human and labour rights risks that require further investigation.
  - The risks that could occur at each stage of the labour migration process, and who (by gender and age groups) are most likely to be exposed to the various risks? The systems and structures that cause these risks.
  - The number of sites in each country or sector that need be assessed to get an adequate understanding of the issues and to prepare to meet the needs of migrants of all demographic groups on the ground.

## PHASE 2. LABOUR MIGRATION SUPPLY CHAIN MAPPING

This phase focuses on identifying all the stakeholders involved in the recruitment, employment and return of migrant workers in the business enterprise's supply chain. It also establishes the parameters for the labour migration process mapping exercise in further detail. Please note that while specific guidance on irregular migrant workers is not included in the current version of the guide, business enterprises should add questions related to irregular migrant workers, as they may be relevant to the specific recruitment corridors being assessed.

### Step 1 Map the labour migration supply chain

#### Key actions

- 1 Identify all stakeholders, their roles and responsibilities, and the geographies in which they operate, including workers' countries of origin, transit, and destination. Stakeholders may include:
  - The business enterprise itself (including the different business entities and countries of operation, if applicable).
  - Suppliers that employ migrant workers.
  - Business partners that provide services, e.g. service providers for security, transport, warehousing, logistics, cleaning.
  - Labour recruiters and employment agencies in the country of operation and migrant workers' country of origin, including:
    - Any labour recruiters used by the business to recruit migrant workers.
    - Any subagents, branch offices, or local representatives used by these labour recruiters. In instances where these individuals are not known to the mapping party yet, they would need to be identified during the assessment.
    - Any service providers used by labour recruiters (such as hospitals or medical centres, training or skill testing centres and travel agencies).
  - Any government agencies in countries of origin, transit and destination involved in the recruitment, employment or return of migrant workers.
  - Migrant workers employed or recruited by the above-listed actors, disaggregated by demographic factors such as nationality, age and gender, where possible.

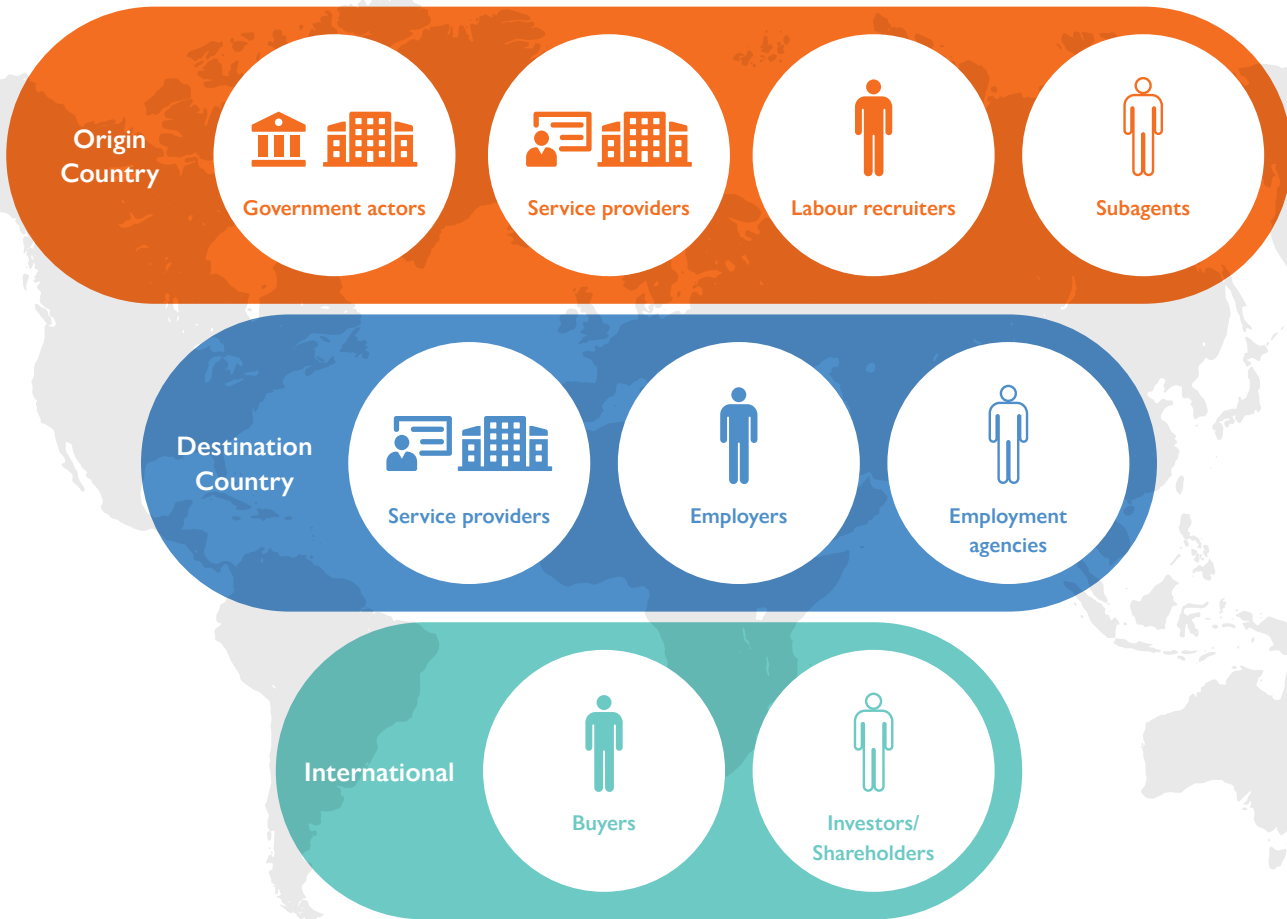
**Tip!** Note areas of the supply chain where visibility is lacking, and work to improve this throughout the labour migration process mapping. Consider that labour migration supply chain mapping can be simple in some cases (for example, where only a small number of labour recruiters are involved) and extremely complicated in others (for example, where large numbers of labour recruiters across numerous countries are involved, who, in turn, use extensive networks of subagents). Where supply chains are long and multilayered, the mapping process will be more complex, time consuming, and potentially costly.

- 2 Identify key human and labour rights risks.
  - Carry out a preliminary literature review, including reports and media articles that focus on key human and labour rights risks in specific countries and sectors.
  - Carry out a gender analysis to understand the needs and risks of migrant workers of different genders across the supplier base.
  - Create a summary of key risks to migrant workers' rights, specific to different demographic groups in countries of origin, transit (if applicable) and destination. Refer to [Annex B](#) for an overview of common risks and challenges faced by migrant workers.

**Tip!** Engage with migrant workers of all demographic groups and their representatives to understand their perspectives on key risks throughout the labour migration process.

## Overview of key supply chain actors in the labour migration process

### Key Supply Chain Actors



#### Step 2

#### Define the objectives and scope of labour migration process mapping activities

##### Key actions

- 1 Define short-term and long-term objectives based on the labour migration supply chain map created and the high-level risks identified in the previous step. For example:
  - Short-term objective: gain detailed knowledge of all labour recruiters that operate in the supply chain, and an awareness of which operate in a fair and ethical manner.
  - Long-term objective: assess all employers and labour recruiters in the supply chain on a regular basis as part of regular human rights due diligence work, ensuring required corrective actions are implemented.

**Tip!** All businesses should include a long-term objective to carry out labour migration mapping throughout the entire supply chain.

## Key actions


- 2 Refine the scope of labour migration process mapping activities.
  - Using risk findings from the labour migration supply chain mapping exercise, review and refine the scope identified during Phase 1.
  - Identify criteria for selecting business enterprises for assessment. Selection criteria should be tailored to reflect the business enterprises' high-risk areas, where there is reason to believe that migrant workers may face human and labour rights risks. Criteria may include business enterprises that:
    - Recruit or employ high numbers of migrant workers.
    - Engage with a large number of labour recruiters or subagents.
    - Operate in countries where human and labour rights risks are plentiful.
    - Lack visibility of their supply chain beyond direct suppliers.
- 3 Select the business enterprises for assessment.
  - Reach out to the selected business enterprises to ask them to participate in the assessment.
- 4 Determine if the assessments will be carried out on site or remotely.
- 5 Determine whether the assessments will be conducted in-house or in partnership with external stakeholders, such as civil society organizations or international organizations, that have experience engaging and supporting migrant workers of all demographic groups.
  - Note that where mapping activities are carried out in-house, by business enterprise staff, or where these are carried out remotely, findings may be limited or biased to a certain extent. It is therefore recommended both to work with third parties and also to carry out mapping activities in person, where possible, to increase the overall credibility of the process.
- 6 Allocate adequate human and financial resources based on the scope of the labour migration process mapping identified. Consider the following:
  - The scope of the assessment, for instance, the number of sites and locations included, and staff time required.
  - The nature of the assessment, that is, whether it will be carried out remotely or in person. In-person assessments may entail travel costs and other expenses.
  - Additional resources required. This can include hiring additional temporary or permanent staff or third parties with relevant language fluency and skills to conduct migrant worker interviews.

## PHASE 3. PREPARATION FOR HUMAN AND LABOUR RIGHTS ASSESSMENT

This phase focuses on preparing the assessment team for an effective and rights-based labour migration process mapping assessment. This includes carrying out background research, developing procedures to guide the assessment, establishing an assessment plan, training the assessment team, and communicating with the stakeholders involved in the upcoming assessment.

### Step 1 Carry out desk research

#### Key actions

- 1 Review applicable legal requirements, regulatory frameworks and operating context.
  - Create an overview of regulations, laws, industry standards and relevant business codes of conduct related to recruitment, employment and return for use as a reference during the assessment, including relevant local laws. This should include a review of policies, procedures and practices relating to preventing and responding to sexual harassment, exploitation and abuse, and promoting gender equality and women's empowerment (such as through childcare service provision for all workers).
  - Relevant international standards, guidance and principles include:
    - ILO, [Indicators of Forced Labour](#).
    - ILO, [Indicators of trafficking of adults for labour exploitation](#).
    - IRIS Standard on ethical recruitment.
    - IOM Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse.
    - ILO, [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#).
    - UN-Women, [Gender-responsive guidance on employment contracts and recruitment for women migrant workers](#).
    - Women's Empowerment Principles (WEPs).
    - Spotlight Initiative, [Sixteen essentials for quality multisectoral service provision to women migrant workers subject to violence](#).
    - IOM, [Migrant Worker Guidelines for Employers](#).
  - Identify any legal gaps that pose risks to migrant workers of different demographic groups. Check whether the business enterprise has developed policies to address these gaps during the assessment. For example, a common legal gap relates to recruitment fees and related costs. In many countries, national legislation permits the charging of recruitment fees and related costs to migrant workers. Business enterprises should have a clear policy in place which prohibits this practice and evidence of how this policy is implemented.
  - Search for any publicly available information about the business enterprise that may indicate human and labour rights risks, for example, in news articles, social media, information provided by labour attachés and so forth.
  -  Refer to the [Employer Management Interview Tool](#) and the [Labour Recruiter Management Interview Tool](#) in the attachments sidebar.



## Key actions

- 2 Prepare a list of support services and resources for migrant workers. Identify and conduct due diligence on potential local and international organizations that migrant workers can be referred to during the assessment.
  - Migrant workers may require additional support services such as emergency medical care, consular support or other forms of legal assistance, helplines, and national referral mechanisms, which can differ, depending on migrant workers' demographics.

**Tip!** Ask migrant workers of all demographic groups and their representatives to identify trusted resources both in their country of origin and in their country of destination, and include them in the referral list upon completing due diligence.

## Step 2

### Develop procedures to implement the labour migration process mapping activities

## Key actions

- 1 Develop internal procedures for carrying out the labour migration process mapping. These procedures should align with the labour migration process mapping principles, as laid out above. To that end, they should address all of the following concerns:
  - **Accessibility.** Ensure all assessors have access to all living and working areas, can speak to workers that they select for interview, and receive the documents they request for review.
  - **Confidentiality and non-retaliation.** Ensure that the information collected during interviews is kept confidential. Establish a process for protecting migrant workers from retaliation (whether from employers, labour recruiters, or other actors), and for investigating and handling reports of retaliation with the business enterprise that is being assessed, where retaliation occurs. Ensure all interview participants are briefed on the non-retaliation policy and how to report instances of retaliation.
    - Note that in some countries of origin, contracts between migrant workers and labour recruiters are not liquidated until after migrant workers have returned to the country of origin, which means that labour recruiters still hold the power to intimidate and coerce migrant workers.
  - **Gender responsiveness.** Ensure that assessments are managed in a gender-responsive manner (for instance, have gender balance in the assessment team and create a safe interview environment for people of all genders). This requires an understanding of the gender-specific needs and risks of migrant workers (such as vulnerability to sexual abuse and harassment, pay and opportunity discrimination, and weak legal protections for pregnant workers), and of their root causes (understanding structural barriers to gender equality in the labour market such as local cultural practices, legal requirements and regulation gaps).
  - **Effective grievance mechanisms.** Ensure that business grievance mechanisms align with the UNGP effectiveness criteria and are set up to receive and address complaints from migrant workers. Ensure that these are provided in languages understood by migrant workers, using technology solutions where useful to enable access for as many migrant workers as possible. Ensure migrant workers are empowered to access business mechanisms, as well as State-led mechanisms and other support services, including those run by civil society organizations (Refer to [Annex A](#) for case studies and resources related to the development of effective grievance mechanisms).
  - **Effective management of sensitive issues.** Develop a clear procedure for how the assessment team should respond to sensitive issues, including any instances of sexual exploitation and abuse, sexual harassment and gender-based violence, that are disclosed during the assessment. This includes how to evaluate the immediate risk to the migrant worker's safety, and when to escalate matters to the lead assessor or external mechanisms and support services, including civil society organizations and State-led mechanisms. For cases related to gender-based violence, relevant stakeholders should work together to establish a specialized mechanism for reporting, investigating and providing assistance to victims in an appropriate manner.

## Key actions

- **Effective management of critical issues and suspected criminal activity.** Critical issues include, but are not limited to, immediate threat to life or limb of migrant workers, human trafficking, child labour, severe restrictions on freedom of movement, physical or sexual exploitation and abuse. In line with applicable national laws and international standards, develop a clear procedure for how the business should respond to allegations of criminal activity, including, for example, human trafficking, forced labour, and wage theft. The best interests and well-being of migrant workers of all demographic groups must be central to these procedures, defined through consultation with the migrant workers themselves.
  - **Providing remediation.** Develop procedures outlining how the business enterprise will provide or participate in prompt and effective remediation activities when harm has occurred to migrant workers. Remediation must be appropriate and proportional to the severity of the violation and adapted to the circumstances of each case. For example, the business may commit to returning migrant workers' passports, improving living conditions or reimbursing recruitment fees and related costs. While these are positive steps, it is important that migrant workers are also supported to seek advice and remediation through other external mechanisms, including civil society mechanisms, trade union mechanisms, worker organization mechanisms and State-led mechanisms. This can help to increase access to more complete forms of remediation.
- 2 **Develop a procedure to engage with migrant workers of all demographic groups throughout the labour migration process mapping. Consider the following:**
- Involving migrant workers of all demographic groups and their representatives in labour migration process mapping activities. This includes introductory meetings, worker interviews and discussions regarding preliminary findings and next steps, as appropriate.
  - Seeking feedback from migrant workers of all demographics and their representatives about the development of new policies or procedures, due diligence efforts or updates to business grievance mechanisms and options for remediation. Engage a diverse and inclusive group of migrant workers (across genders, ages, nationalities, roles, and the like).
  - Sharing the final outcomes of the assessment with migrant workers and their representative in a format that is appropriate to the context (for instance, a format that balances the needs of migrant workers against commercial considerations) and is accessible to migrants of all demographic groups.
  - Consulting trade unions, worker representatives or community-based organizations on the development of procedures, where there are unions or worker representatives present at the business enterprise.
  - Carrying out empowerment activities across the business enterprise to promote meaningful engagement. This should include promoting rights to freedom of association and peaceful assembly among migrant workers.
  - Working with other stakeholders to remove any barriers to participation. For instance, ensure that migrant workers' pay is not deducted for time spent participating in interviews, ensure demographic balance in the participants and create a safe environment for them.
- 3 **Brief senior leadership on the risks identified during the desk review stage and obtain their buy-in and sign-off on the assessment and migrant engagement procedures.**
- When briefing on the risks of sexual exploitation and abuse, stress the importance of ensuring that victim confidentiality is protected.

**Tip!** Consider the procedures for identifying and remediating human and labour rights abuses as “living” documents. Review and fine tune them as more evidence is gained through assessments.

### Step 3

## Hold an introductory meeting with stakeholders that will be involved in the assessment

### Key actions

#### 1 Identify participants for an introductory meeting.

- Invite business enterprises (employers and suppliers, labour recruiters, employment agencies and the like) that will be involved in the assessment.
- Invite decision makers (such as senior management, employer or labour recruiter managing directors), staff responsible for the management of migrant workers (such as human resources or recruitment staff), sustainability or compliance managers (including managers responsible for overseeing gender responsiveness and gender equality) and staff responsible for coordinating the assessment. The aim is to establish buy-in from decision makers early in the process.
- Invite trade unions and migrant worker representatives. In some instances, trade unions might not be established. In such situations, informal migrant worker groups or migrant worker representatives should be invited for consultation, where possible.
- Invite subagents, where possible and appropriate in the context of the business relationship; for example, where labour recruiters have close business relationships with their subagents.
- Explain the purpose, scope, and principles of the labour migration process mapping.
- Frame the assessment as an opportunity for business enterprises to strengthen their business practices and demonstrate their commitment to responsible business practices.
- Provide an overview of the labour migration process mapping (assessment, reporting, action planning and progress monitoring).
- Explain what is expected and required from each business enterprise or stakeholder.
- Discuss the mapping and assessment timeline and logistical arrangements. Timelines will depend on the size and geographical locations of the business enterprise being assessed. For example, assessment of a plantation employing 20,000 migrant workers across 10 locations will take longer than a single-factory assessment covering 100 workers employed at one location. All parties should discuss and agree the most appropriate and feasible timeline for implementation in the operating context.
- Explain key stages of the assessment (opening meeting and business site tour, management interviews, document review, worker interviews, closing meeting).
- Confirm whether migrant workers are permitted to join trade unions or informal worker organizations and collective bargaining processes. Check if the business enterprise has collective bargaining agreements in place with trade unions, or other forms of worker representation (such as worker committees).


**Tip!** Stress that the aim is to work in partnership to identify systemic issues and develop practical solutions that benefit all parties.

#### 2 Formalize the business enterprise's commitment to participate in the assessment, by preparing a joint memorandum of understanding (MoU), an amendment to existing contract or a commitment letter.

## Step 4

### Gather information from the business enterprise about recruitment and employment practices to inform the assessment methodology


#### Key actions

- 1 Request the business enterprise, and any business partners included in the scope of the assessment, to complete a pre-assessment survey and share documents in advance.
  - **Pre-assessment survey.** Gather key information regarding business operations, including products and services provided, seasonality and working patterns, wages, use of subcontractors and labour recruiters, and provision of migrant worker accommodation. Request a breakdown of the workforce, disaggregated by migration status, nationality, gender, age, date of recruitment year, recruitment actor, worksite and accommodation (including direct and indirect (that is, subcontracted) employees).
  - **Document request list.** Request documents related to the business structure, human rights, ethical recruitment, gender equality and diversity and other worker protection policies, service agreements with labour recruiters, subagents or service providers, and disclosure of recruitment fees and related costs, as well as policies related to the management of accommodation to protect the health and safety of migrant workers, and contracts with any outsourced accommodation or transport providers.
  -  Refer to the [Employer Management Interview Tool](#) and the [Labour Recruiter Management Interview Tool](#) in the attachments sidebar.

**Tip!** Only request key policies and procedures for initial review at this stage, since not all documents can be shared for commercial reasons or data protection requirements.

- 2 Review the survey responses and documents and prepare the assessment tools and templates.
  - Analyse information and make note of any indicators of existing or potential human and labour rights risks, and gaps in the information provided, ensuring a gender-sensitive perspective throughout.
  - Refer to the tools and prepare assessment questionnaire templates for management and migrant worker interviews.
    - Tailor the questionnaires based on salient risks identified through the review and start populating the tools with relevant information.
    - Ensure that the questionnaires use inclusive language around gender, religion and nationality, and that questions asked are not leading. For example, when asking workers to disclose their gender, questionnaires should provide inclusive options such as “woman, man, another designation, or prefer not to disclose”.
    - Prepare questionnaires for management interviews as open conversations designed to understand management systems related to recruitment and employment, as well as key operational challenges and human and labour rights risks to migrant workers of all demographic groups.
    - Adjust questionnaires for different interview formats (group or individual), interview participants and interview schedule requirements. For example, the number of questions may need to be reduced for group interviews, as it will take more time to gather responses from a larger number of migrant workers.

### Individual and group interviews

- Best practice is to carry out a combination of group and individual interviews. Each type of interview has benefits and limitations.
- Individual interviews are better for gathering specific details and discussing sensitive topics (such as pay rates, management style, discrimination and harassment).
- Group interviews (that is, interviewing a larger number of workers together) are better for gathering a larger volume of data and exploring a topic in more depth. Some workers may feel more comfortable to talk freely in groups.
- Please note that preference should be given to individual interviews as far as possible in the context of labour migration process mapping, since the questionnaires are designed to identify forced labour indicators and such information is sensitive in nature.
-  Refer to the Employer Management Interview Tool, the Labour Recruiter Management Interview Tool and the Migrant Worker Interview Tool in the attachments sidebar.

### 3 Create a list of documents to request during the assessment to fill any gaps identified during the review. For example:

- General policies and procedures related to the recruitment, employment and return of migrant workers.
- General policies and procedures relating to business grievance mechanisms.
- A sample of personnel documents for migrant workers included in the interview sample such as employment contracts, payslips, timesheets, disciplinary records, and any other documents that a worker may have signed. Consider reviewing documents (and where time allows, interviewing) non-migrant workers working in similar positions to identify potential discrimination against migrant workers.
- Request documents covering a timespan such as three or six months, in order to capture both peak and low production periods, as well as any specific periods, such as Ramadan in countries where working hours are restricted by law during the fasting month.

### 4 Create the migrant worker interview sample.

- Prepare a migrant worker interview sample per assessment site based on the pre-assessment survey responses, at minimum, in line with the [SEDEX Members Ethical Trade Audit \(SMETA\) best practice guidance](#).
- Interview a representative sample of migrant workers, going beyond the SMETA recommended sample size where possible. For in-depth investigations into particular issues (including gender harassment, or recruitment fees and related costs) larger worker samples can help ground findings in greater statistical significance.

## Key actions

- Determine the criteria that must be fulfilled for this sample to be representative of the workforce. Depending on the scope of the assessment, this should include:
  - All nationalities and ethnicities.
  - A mix of genders, ages and abilities (include workers with disabilities where these are present on site).
  - Different departments and job roles.
  - Different contract types (including directly employed, subcontracted, agency workers and part-time migrant workers, among others).
  - Workers recruited through various labour recruiters in country of origin and country of destination.
  - Date of recruitment.
  - Length of service.
  - All site locations (for example, where a company operates in multiple factories, mills, farms, or the like).
  - Trade union or worker representatives.
  - Pregnant workers.
  - A small number of supervisors or team leaders, if appropriate (these interviews should be carried out separately from worker interviews, to avoid risk of intimidation).
  - Any other criteria that may be relevant to the specific sample.

### For labour recruiter on-site assessments:

- Preparing a worker sample for labour recruiter assessments can be more challenging than for employer assessments, as migrant workers available for interview are often based in different places. Interviewees could include:
  - Employees. Migrant workers who were recruited by the labour recruiter and are now employed at a business enterprise in the country of destination.
  - Past employees. Migrant workers who were recruited by the labour recruiter, have worked abroad and returned to their country of origin, or are now working in another country.
- The assessment should not include interviews with candidates (that is, migrant workers who are currently in the recruitment process) as these workers may face reprisals (such as losing the job opportunity).

## Step 5

### Prepare an assessment plan

## Key actions

- 1 **Coordinate with business enterprises to plan assessment activities, minimizing disruption to work and production schedules.**
  - Schedule all interviews during working hours and not during migrant workers' time off. Request information from business enterprises about:
    - Migrant workers' shift times, break times and days off.
    - Peak production times, which should be avoided.
  - Check availability of key management and administrative personnel involved in the recruitment process and managing employment.
  - Conduct interviews at a location preferred by the migrant workers.
  - Confirm transportation arrangements (if needed) for migrant workers who work in remote locations (such as plantations or fisheries). All such arrangements must be paid for by the employer. Ensure that the mode of transportation is safe, to avoid any risks to certain groups such as women workers.
  - Check any requirements related to visiting the worksite and migrant worker accommodation.

## Key actions

### For labour recruiter on-site assessments:

- Ensure that the employer supports outreach to the labour recruiter, and subagents as applicable, by facilitating introductions and understanding of the purpose and scope.
  - Understand if past employees can be interviewed as part of the assessment, and if so, how this can occur.
  - Avoid periods of hiring freezes.
- 2 Develop the agenda. Once all relevant information has been gathered, finalize the agenda for the assessment, including details of timings and locations of all activities, with each site.

## Step 6

### Select, train and prepare the assessment team

## Key actions

#### 1 Select the assessment team.

- Team members should be representative of the management and of the workforce, to ensure an inclusive approach (for instance, include team members of relevant genders, ethnicities, disabilities, castes and the like). Take care to ensure team members do not have any conflicts of interest (as would be the case for ex-labour recruiter staff or ex-government officials, for instance).
- The lead assessors and migrant worker interviewers should have the following background and skills:
  - Experience working with migrant workers.
  - Experience in human resources, or a background in psychology and the social sciences.
  - Experience in identifying and dealing with issues related to gender equality, gender-based violence and sexual harassment.
  - Strong organizational and time management skills.
  - Excellent communication skills, including proficiency in languages understood by individuals being interviewed.

**Tip!** Where possible, partner with a trusted trade union, civil society organization or community-based organization to carry out the migrant worker interviews. Alternatively, former migrant workers often make strong migrant worker interviewers (provided they are trained to meet the above criteria). Conduct due diligence if a third party is involved.

#### 2 Train the assessment team. At minimum, train all assessment team members on:

- Ethical recruitment and employment standards. For example, the [IOM Migrant Worker Guidelines for Employers](#) and the [IRIS Standard](#) on ethical recruitment.
- The [ILO Indicators of Forced Labour](#) and how to identify them.
- [ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#).
- [IOM Operational guidelines for businesses on remediation of migrant-worker grievances](#).
- [IOM, Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse](#).
- [IOM, Rights-based approach to programming](#).
- Gender equality, gender analysis, gender-based violence and sexual exploitation and abuse and sexual harassment.
- Labour migration process mapping principles (see the [Outline of labour migration process mapping](#), above).
- [The Employer Management Interview Tool](#), the [Labour Recruiter Management Interview Tool](#), and the [Migrant Worker Interview Tool](#), as well as guidance including escalation protocols.

## Key actions

### 2 Carry out effective interviews through ensuring:

- Voluntary participation. Inform participants that they may stop interviews if they feel uncomfortable.
- Confidentiality. Hold interviews in a private and safe place without being observed or overheard. Request migrant workers' written or verbal voluntary and informed consent prior to any review of their personnel documents as part of the assessment. Interviewers should use a consent form for written consent and record or document whether verbal consent has been provided on a consent form. Appropriate data protection safeguards should be in place to guarantee that any personal data will be kept secure and accessed on a need-to-know basis. Migrant workers need to be duly informed in cases where their personal data will be shared with any third party, and prior consent needs to be obtained.
- Take detailed notes. Keep all notes confidential and accessible only to the assessment team. Do not record the names of interview participants in the same place that responses are recorded, to ensure participants' identities are not disclosed in case of a potential data breach. Avoid recording interviews, as this may undermine trust and rapport with interview participants.
- Accessibility. Interview in a conversational and neutral manner. Ideally, interviewers should speak the same language as participants, use clear language and avoid using technical terms or jargon. Any interpreters must be independent of the business enterprise. For example, they cannot be other workers.
- Safety. Interview a sufficient number of migrant workers of all demographic groups, for similar durations in a safe space, to ensure that migrant workers who may have shared issues cannot be easily identified. Provide migrant workers with follow-up contact numbers as per the assessment procedure.
- Follow-up reporting. Provide participants with a follow-up contact number to report any further issues or acts of retaliation directly to the assessment team. [📞 Refer to the Migrant Worker Interview Tool and the Management Interview Tool.](#)
- Develop a procedure for receiving and managing follow-up reports with the assessment team.
- Establish a phone number that migrant worker interviewers can provide to interview participants, in line with the appropriate data management procedure of the assessment. Migrant workers should be able to call the number free of charge.
- Migrant worker interviewers should ask migrant workers to share their numbers as well, to allow follow-up with a selected number of migrant workers post-interview, in order to check whether there have been instances of retaliation.
- Brief the assessment team on the specific context for each business enterprise.

**Tips!** For the entire assessment team: ensure you are familiar with the relevant context and background on the business enterprise(s) to be assessed and the operating environment.

For migrant worker interviewers: ask migrant worker interviewers to submit their data sheets at the end of each assessment day to maintain data accuracy, and allow the lead assessor to get a sense of findings as they come in.

## Step 7

### Inform migrant workers and their representatives about the assessment

## Key actions

- 1 Share information with migrant workers and their representatives about the scope, purpose, safe space, confidentiality and logistics of interviews before they take place. When this is not possible, provide migrant workers with a standard letter signed by the lead assessor or the business enterprise that commissioned the assessment (such as the buyer) at the beginning of the interview. For migrant workers who are unable to read, communicate the content verbally at the beginning of interview.



## PHASE 4. ASSESSMENT OF HUMAN AND LABOUR RIGHTS RISKS TO MIGRANT WORKERS

This phase focuses on how to carry out an assessment, including interviewing management and migrant workers, reviewing documentation and assessing living and working conditions. It also covers how to present preliminary findings to relevant stakeholders.

### Step 1 Hold an opening meeting with the business enterprise and conduct a site tour

#### Key actions

- 1 Explain the assessment to all key business staff in the opening meeting.
  - Exchange introductions between assessment team members and all key business enterprise staff, and confirm roles and responsibilities.
  - Recap the scope, purpose, principles, logistics and timelines.
  - Review the agenda and what the business enterprise can expect during the assessment.
  - Ask for an overview of the business enterprise, and general layout of the working and living areas, as well as transportation arrangements, if applicable (if these have not been provided previously).
  - Share requirements for migrant worker interviews, including migrant workers safety, anonymity and confidentiality, and understanding of protocols related to high-risk issues including but not limited to physical abuse and threats, and discrimination of any kind, including on the basis of nationality, gender (such as gender-based violence including sexual exploitation, abuse and harassment), religion or disability. Confirm that interviews can only be arranged during working hours and that migrant workers should not incur any costs or financial losses through participating in interviews.
  - Allow time for questions and clarifications.
- 2 Check and confirm all on-site logistics for the assessment with coordinating staff, discussing:
  - Key contacts for the assessment (name, job title, site, phone number, email).
  - A focal point for migrant workers, to escort them to and from interviews. Where possible, this should be a trade union or informal worker representative.
  - Timings, meeting rooms, migrant worker sampling, safe places for migrant worker interviews, coordinating site walk around and accommodation visits.

**Tip!** Prepare key talking points and material such as printed copies of the assessment agenda, meeting presentation and document request list to help participants understand key points, especially those for whom English may be a second language. Tailor the opening meeting style and timing to the type of stakeholder, to build trust and rapport and enable members of all demographic groups to attend. For example, early morning or evening may not be suitable for those with childcare responsibilities.

- 3 Ask the business enterprise to provide a brief tour of the workplace and migrant worker accommodation. Make note of areas to follow up on during the workplace and accommodation assessment.

## Step 2

### Interview management

#### Key actions

- 1 Carry out interviews with appropriate management staff and follow-up interviews as required.
  - For employer assessments.
    - Human resources, recruitment managers, procurement managers and any staff responsible for management of migrant workers.
    - Accommodation managers and administrative staff.
  - For labour-recruiter and service-provider assessments.
    - Director, accommodation manager.
    - Pre-departure training manager and administrative staff.

🔗 Refer to the [Employer Management Interview Tool](#) and the [Labour Recruiter Management Interview Tool](#) in the attachments sidebar.

For examples of indicators of human and labour rights risks that may be identified during management interviews, see Annex C.

## Step 3

### Carry out document review

#### Key actions

- 1 Request the list of documents for on-site review.
  - Share the list prepared in Phase 3 with business enterprise staff during the opening meeting and request the documents. Note that for business enterprises with limited capacity (for example, small business enterprises that do not have dedicated resources to support assessments), it may be challenging to gather all of the requested documents on the assessment day. Propose a reasonable amount of time for the business enterprise to provide the requested documents based on the context of the assessment, providing the document request list a couple of days in advance if considered necessary.
  - Throughout the assessment, respond to findings as they surface and request supplementary documentation where relevant. For example, during an interview, staff may refer to a specific procedure related to migrant worker management which has not yet been shared.
  - Set a reasonable deadline for receipt of documentation.
- 2 Ask relevant business enterprise staff to explain key documents.
  - Ask staff to explain the payslip structure such as different wage categories, and types of deductions; ask for a breakdown of recruitment fees and related costs.
  - Ask staff to explain any confusing documents, including areas that migrant workers have identified as confusing.

**Tip!** If the business enterprise is suspected to be withholding information or providing falsified documents, make a note of this issue, and potential reasons and raise it both as a finding and as a limitation in the report.

## Step 4

## Interview migrant workers and their representatives

### Key actions

#### 1 Select migrant workers for interviews according to a representative sample size prepared in Phase 3. For employer on-site assessments:

- On the day of the migrant worker interviews, request a list of all migrant workers in attendance on the day (day and night shift). Ensure that all demographics are represented equally in the worker sample.
- The lead assessor or migrant worker interviewer(s) should select the names of migrant workers to be interviewed from this list, in addition to those randomly selected during the introductory site tour. The business enterprise should not be involved in the selection process.
- Request a slightly larger sample than required, to ensure that the business enterprise does not select substitute migrant workers for interviews. Some migrant workers selected for interview may not be able to join due to production constraints, illness, or other reasons.

#### 2 Create an interview schedule once the sample is confirmed. Include in the schedule:

- Migrant worker name, nationality, interview date and timeslot (local time), interview location (including site and room number if applicable), number of migrant workers to be interviewed per timeslot (that is, is it an individual or group interview). Ensure that qualitative data are disaggregated by demographic factors including but not limited to nationality, gender, religion, nationality, ethnicity, age and disability.
- Present the schedule chronologically, indicating day shift and night shift, if appropriate. Include interviews with night shift migrant workers, as many business enterprises have poor systems for regulating the nightshift.

**Tip!** Depending on the objective of the assessment and number of topics to be covered, migrant worker interviews may take between 30 and 90 minutes each. While interviews should be completed within 60 minutes wherever possible, in some cases more time may be needed to build trust with migrant workers and unpack issues and risks in a meaningful way. Schedule 5-to-10-minute breaks between interviews for interviewers to summarize their notes and manage time.

#### 3 Interview migrant workers.

- Note that migrant workers often do not feel comfortable speaking openly due to fear of retaliation. It is therefore important to ensure a safe, confidential, and comfortable interview environment, and to avoid asking leading questions. [Refer to the Migrant Worker Interview Tool](#) for a detailed overview of interview techniques and protocols in the attachments sidebar.

#### 4 Discuss findings and review the assessment plan during daily assessment team debrief meetings.

- Review and summarize key findings on a rolling basis throughout the assessment.
- Track the number of migrant workers who report specific human rights– and labour rights–related issues, and identify trends, findings and potential root causes.
- Identify further information needs, including key follow-up questions that can be asked in interviews.
- Make any adjustments to the assessment plan required to improve the effectiveness of the assessment, such as changing time frames.

**Step 5****Assess working and living areas for each site****Key actions**

- 1 Carry out an in-depth site assessment, covering all key working and living areas. During the assessment, take note of any observations related to the aspects listed below.
- 2 Informally speak with migrant workers and supervisors in working areas, where possible and safe, to collect information about recruitment and employment practices. When doing so, consider applicable legal requirements, regulatory frameworks and operating context. Give attention to:
  - Any child or young migrant workers.
  - Instances of gender-based violence, including sexual exploitation and abuse and sexual harassment.
  - Working hours and patterns.
  - Wage payment practices.
  - Restrictions on migrant workers' freedom of movement (for example, locked doors, use of an "exit pass", any conditions imposed to leaving the site).
  - Policies, regulations and workplace instructions on display, and their availability in relevant languages.
  - Leave entitlements and their usage.
  - Conditions and health and safety risks for pregnant migrant workers.
  - Discriminatory conditions for migrant workers of different nationalities, genders, ethnicities, religions, disabilities and the like.
  - Severe health and safety risks to migrant workers (for example, structural building safety and fire hazards, chemicals, extreme temperature, noise).
  - Mechanisms to prevent workplace accidents, injuries and work-caused illness.
  - Toilet conditions. Hygiene status in and accessibility to toilets, and the availability and quality of drinking water.
  - Adequate and sanitary canteen facilities.
  - Rest areas.
- 3 Assess living areas and transport according to applicable legal requirements, regulatory frameworks and operating context, noting the ILO Workers' Housing Recommendation, 1961 (No. 115). Give attention to:
  - Accommodation safety, hygiene, sanitation and security (for example, personal security, including for women migrant workers, protection against theft and attack, storage facilities).
  - Location (for example, whether the accommodation is a reasonable distance from work and in a separate building from production).
  - Space and privacy of rooms (dimensions and number of inhabitants).
  - Facilities (adequate and sanitary cooking facilities, laundry, clean and accessible toilets and medical facilities).
  - Segregation by gender (unless couples' accommodation is provided).
  - Provision of recreational spaces for migrant workers (such as outside spaces, gyms, break rooms).
  - Communication infrastructure (access to phones with international connection, (speed of) Internet, including conditions of access, such as fees).
  - Accessibility of banks or other remittance service providers.

- Key actions**
- Curfews or other restrictions on migrant workers’ freedom of movement (such as locked security gates).
  - Transport provided by the business enterprise (for example, assess the transport accessibility, availability and safety).

**4 Follow the same process for labour recruiter assessments.**

**Step 6 Hold an on-site meeting to present preliminary findings**

- Key actions**
- 1 Prepare an overview of key findings in an appropriate, accessible format (such as PowerPoint), based on a debrief with the assessment team.**
    - Summarize preliminary findings and recommendations clearly against the applicable legal requirements, regulatory frameworks and operating context.
    - Where recruitment fees and related costs have been assessed, present a preliminary range of reported fees and an initial calculation of average or median fees paid.
  - 2 Invite migrant worker representatives and trade unions of all demographics to attend a meeting to discuss the preliminary findings and recommendations.**
    - Gather feedback on preliminary findings and recommendations in a confidential environment, without the presence of management.
    - Encourage participants to share any additional insights or suggest alternatives to the recommendations provided.
  - 3 Incorporate this feedback into the presentation for the on-site meeting with all stakeholders.**
  - 4 Invite relevant decision makers (that is, senior management) and migrant worker representatives and trade unions of all demographics to the on-site meeting.**
    - Thank the business enterprise for their time, and present any good practices identified.
    - Present preliminary findings and recommendations.
    - Highlight critical findings that require immediate action.
    - Gather stakeholder feedback on recommendations. Highlight and document areas of agreement and discussion.
    - Ensure that presentation and discussion of findings is based on data disaggregated by demographics.
    - Set expectations about the nature of the collaboration that will follow to address findings. It should be clear that this will be:
      - A joint effort between multiple parties; responsibilities for each party will be agreed at the start of the remediation process.
      - An investment; the business enterprise will need to commit time and resources to ensure remediation is effective.
      - A combination of short-term and long-term efforts.
    - Agree on next steps and timeline:
      - Timeline for issuance of the final report and with whom it will be shared.
      - Date for final closing meeting.
        - Each stakeholder’s follow-up responsibilities.

**Tip!** Provide good practice examples of how other business enterprises have implemented similar recommendations. Please refer to Annex A.

## PHASE 5. REPORTING AND CLOSING MEETING

This phase focuses on how to analyse the assessment data and present the findings and recommendations to relevant stakeholders.

### Step 1

#### Summarize key findings from migrant worker and management interviews, document review and working and living area assessments, and analyse data

#### Key actions

- 1 Analyse the findings of the management interviews, document review and working and living area assessments. Pay attention to:
  - The business enterprises' management systems in relation to the recruitment and employment of migrant workers.
  - The applicable laws and regulatory frameworks in the countries of origin, transit and destination.
  - Key findings related to management systems and any legal and regulatory gaps.
  - Key findings from the assessment of working and living areas.
- 2 Aggregate and analyse the findings of the migrant worker interviews.
  - Review quantitative data. Identify trends in relation to unethical recruitment practices, and the presence of each ILO Indicator of Forced Labour.
  - Review the interview notes to build a detailed understanding of the issues reported.
  - Triangulate data, covering information from migrant worker interviews, management interviews and document review.
  - Review analysis and findings with the assessment team to check their accuracy.
- 3 Identify where remediation is required and the different forms it can take. For example:
  - Financial compensation to migrant workers:
    - Migrant worker-paid recruitment fees and related costs. Check what kinds of fees and costs migrant workers reported paying, and compare these with the ILO [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#). Calculate appropriate amounts to be repaid for different nationalities, genders, recruitment year, migration corridor, involved labour recruiter and any other important contextual factors. Refer to [Annex A](#) for additional available guidance on calculating and remediating recruitment fees and related costs.
    - Unpaid wages, benefits and bonds dating back to the start of employment and any deposit fees.
    - Other forms of financial compensation. For example, compensation for psychological or physical harm suffered by migrant workers as a result of employment or recruitment must be calculated on a case-by-case basis.
  - Repatriation of migrant workers to their communities in the country of origin.
  - Changes to business practices, such as:
    - Ensuring that migrant workers are able to consistently access their passports at all times.
    - Improvements to overtime management procedures.
    - Improvements to migrant worker accommodation and living conditions.
    - Business relationships with labour recruiters, including updating service agreements.
    - Establishing a standardized migrant worker orientation programme, including pre-employment, pre-departure, post-arrival and pre-return.
  - Other forms of remedy, such as reinstatement of a migrant worker to their former position in a case where they were unfairly dismissed.

## Key actions

### 4 Write a report, clearly presenting:

- A description of the experiences of migrant workers throughout the labour migration process, gender-specific vulnerabilities and their root causes.
- All actors involved in the recruitment, employment and return of migrant workers, including comprehensive profiles of all intermediaries in countries of origin, transit and destination.
- An analysis of the regulatory frameworks in all relevant jurisdictions governing the recruitment, employment and return of migrant workers.
- Practices that are non-compliant with applicable legal requirements, unethical recruitment practices, and the presence of forced labour indicators as well as trafficking in persons and labour exploitation indicators.
- The number of migrant workers that reported each issue, indicating if these are isolated incidences or systemic issues. If it is not possible to conclude the nature of an issue (for example, for issues that could not be triangulated), indicate a limitation and recommend a follow-up assessment which focuses on understanding the identified issue in more detail.
- An analysis of recruitment fees and related costs. Explanations for why and how remediation is provided to affected migrant workers. This includes how recruitment fees and related costs or other modes of financial compensation have been calculated.
- Evidence-based recommendations that:
  - Address the root cause of issues to ensure sustainable solutions.
  - Enable effective remediation, highlighting issues that require immediate remediation, as well as medium- and long-term efforts. This includes when migrant workers should be referred to civil society organizations and other mechanisms, including State-led mechanisms.

#### Evidence-based recommendations

An effective recommendation must tackle all of the root causes of an issue. Begin by identifying the target outcome and recommend actions that can achieve this. For example:

**Finding.** Although migrant workers have every right to leave their employment or workplace, management often want to keep them under their employment, due to the difficulty and expense related to recruiting new workers. In order to achieve this, they retain migrant workers' passports to prevent them from leaving.

**Recommendation.** The target outcome is that management is committed to creating workplace conditions such that migrant workers hold their own documents, have secure storage options, feel safe in their accommodation, and do not want to run away. A comprehensive recommendation should require that (1) migrant workers' passports are returned to them and briefing is provided on safe passport handling, (2) secure storage is provided in accommodation, (3) a review is carried out to identify how the accommodation itself can be made safer (including relocation if needed), and (4) management attitudes towards migrant workers improve, as do potentially exploitative working conditions that may make migrant workers feel the need to run away.

### 5 Share the assessment report with all relevant stakeholders and allow time for stakeholders to share feedback.

## Step 2

### Hold a formal closing meeting to present the final assessment report

#### Key actions

- 1 Invite all relevant staff, including senior management, trade unions and worker representatives.
  - Present an overview of the final report key findings.
  - Gather any further feedback on the findings and recommendations.
  - Identify next steps, in particular:
    - Any urgent actions for the business enterprise, including providing and participating in prompt and effective remediation for affected migrant workers.
    - The development and sign-off of a comprehensive action plan, that includes short-term, medium-term and long-term actions to address all assessment findings.

## PHASE 6. ACTION PLANNING

This phase focuses on how to address the findings and implement the recommendations from the assessment. This involves providing or participating in effective remediation when harm has occurred to migrant workers, strengthening business practices to prevent and mitigate risks, and developing action plans in collaboration with relevant stakeholders.

### Step 1

#### Identify remediation actions

#### Key actions

- 1 Identify critical cases that require immediate action and remediation (such as forced labour).
  - Provide or participate in prompt and effective remediation to affected migrant workers, including:
    - Taking immediate steps to ensure the affected migrant workers are safe and removed from harm. This may include repatriating migrant workers to their communities in the country of origin.
    - Referring migrant workers to trusted civil society organizations that can provide legal assistance and support services. This includes referring migrant workers to other remediation mechanisms, including State-led mechanisms.
  - Establish whether further investigation is needed to gather more information.
- 2 Define medium- to long-term remediation action.
  - Identify actions that can be taken after the immediate and most pressing needs of affected migrant workers have been met, where further remedy is required to repair the harm done and prevent future reoccurrence. For example:
    - **Ongoing legal assistance.** When harm has occurred, migrant workers should be informed of their legal options and provided with legal support during civil or criminal proceedings.
    - **Ongoing mental health and psychosocial support.** Given the mental and physical health implications associated with exploitation and abuse, enable and encourage access to long-term and ongoing support even after their immediate needs have been met.
    - **Financial compensation.** Where assessment findings discover that migrant workers have paid recruitment fees and related costs or were not paid wages, repayment plans should be agreed and implemented between stakeholders, including migrant workers. Compensation on top of repayment of wages or recruitment fees and related costs should also be considered where relevant.



### Remediation good practice

- Engage with migrant workers and their representatives to ensure any remediation actions are migrant-worker led, meaning they are designed in accordance with the migrant workers' wishes, interests and participation.
- Provide migrant workers with equitable access to legal support and other relevant sources of information, advice and expertise.
- Engage all relevant stakeholders and promote a shared responsibility approach to remediation.
- Ensure that migrant workers are empowered to access external grievance mechanisms and support services, including State-led mechanisms and the services of civil society organizations. Business enterprises and other relevant stakeholders must ensure that any barriers to migrant workers' access to grievance mechanisms are adequately considered and addressed.
- Remediation must be appropriate and proportional to the severity of the violation and adapted to the circumstances of each case.

For more guidance on how to provide operational level remedy, please refer to IOM's Operational Guidelines for Businesses on Remediation of Migrant Workers Grievances. More guidance is available in Annex A.

## Step 2

### Identify improvement and risk prevention actions

#### Key actions

- 1 Identify short-term actions to address findings and prevent future risks. Consider short-term actions such as:
  - Preventing machinery-related injuries to migrant workers through additional training, upgrades of machinery or changes in safety practices.
  - Improving accommodation facilities with temporary measures (such as providing fans or mattresses) while alternative accommodation is being sought or refurbishment is taking place.
- 2 Identify medium- to long-term improvement actions for sustainable change. Consider changes to business policies, management systems and structures that take time to implement, such as:
  - Implementing changes to workplace culture through behaviour-based training for supervisors, to address harassment or intimidation.
  - Developing a comprehensive risk assessment process for selecting labour recruiters, and working closely with them to ensure recruitment standards are upheld.

## Step 3

### Develop an action plan based on the recommendations provided in the assessment report

#### Key actions

- 1 Within two weeks of the closing meeting, complete a full draft of the action plan based on the actions identified under steps 1 (remediation) and 2 (improvement and risk prevention) above.
- 2 Review and revise the action plan.
  - Ensure that migrant worker representatives review the plan and provide feedback, to increase the effectiveness of identified actions.
  - Check that the action plan includes detailed actions, target outcomes, timelines and responsible persons for addressing all findings highlighted in the report.
  - Where a business enterprise has been asked to develop its own action plan, those who commissioned the assessment should review and make recommendations for improvements to the plan.

Key actions

**Tip!** Designing effective actions. An effective action plan:

- Is SMART (specific, measurable, achievable, relevant, time bound).
- Addresses both the immediate risks and the root causes of identified issues.
- Is tailored to the context and stakeholders' needs and limitations.
- Provides a holistic solution, which cascades required changes throughout the organization, across policies, systems and practices.

**3 Key stakeholders, including migrant workers or their representatives, sign off and implement the action plan.**

- At minimum, the senior management of the business enterprise that was assessed must sign off the action plan. Where the action plan has been developed collaboratively, it should be signed off by the senior staff members of all participating stakeholder groups.

**Tip!** Organize a workshop or dialogue with involved stakeholders, migrant workers and their representatives, employers, and labour recruiters to develop a collaborative action plan that is fair and acknowledges each party's specific roles and responsibilities.

## PHASE 7. PROGRESS MONITORING AND CONTINUOUS IMPROVEMENT

This phase focuses on establishing monitoring frameworks to measure progress in implementing the agreed action plans, updating internal procedures and supporting business partners to better protect the rights of migrant workers.

Step 1

**Set up a monitoring framework and continuous improvement plan**

Key actions

**1 Develop and implement a progress monitoring and continuous improvement plan.**

- Establish (if necessary) and participate in effective grievance mechanisms that are set up to receive and address complaints from migrant workers. As a matter of good practice, partner with one or more trusted trade union or civil society organizations to develop and implement internal business grievance mechanisms.
- Regularly interview migrant workers to monitor progress on relevant actions. To monitor recruitment practices, interview newly recruited migrant workers within the first month of arrival, and three to six months after arrival.
- Conduct follow-up assessments and routine audits 6 to 12 months after the initial assessment, to check progress against the action plan. The follow-up assessment should verify whether changes have been made effectively and sustainably, identify gaps in implementation and update the action plan based on findings.
- Commission an external verification of changes and improvements: in particular, those related to financial compensation programmes (such as recruitment fee remediation).

**2 Assign entities responsible for monitoring activities.**

- Identify persons or organizations responsible for monitoring activities noted above.
- Set up a working group including relevant personnel from the business enterprise as well as trade union or worker representatives, or a third party such as a civil society organization.

**Step 2****Update procedures and core business documents based on lessons learned**

## Key actions

- 1 Regularly review and incorporate lessons learned from mapping activities into processes, policies, contracts and systems to ensure non-repetition of human and labour rights abuses in the supply chain.

**Step 3****Provide ongoing mentoring to supply chain stakeholders**

## Key actions

- 1 Support business partners (such as suppliers, labour recruiters and employment agencies) to strengthen their capacity and business practices in relation to protecting the rights of migrant workers.

## PHASE 8. EXTERNAL COMMUNICATION AND STAKEHOLDER ENGAGEMENT

This phase focuses on the need to be transparent and share the assessment findings with a wide range of stakeholders. The sharing of information can help other business enterprises experiencing similar challenges and can help drive industry-wide improvement in the protection of the human and labour rights of migrant workers. Lastly, by sharing the results of this exercise, business enterprises can contribute to the evidence base concerning human and labour rights risks to migrant workers in international supply chains. In doing so, business enterprises can help inform and strengthen State-level policymaking, thereby supporting States' duty to protect human rights, as outlined in Pillar 1 of the [United Nations Guiding Principles](#).

**Step 1****Engage in dialogue with key stakeholders about lessons learned from the labour migration process mapping to drive industry-wide improvement and transparency**

## Key actions

- 1 Prepare versions of the report, action plan, and progress reports that can be shared publicly.
  - Agree with all stakeholders what information can be shared publicly.
- 2 Facilitate meaningful engagement among a wide range of external stakeholders.
  - Promote dialogue amongst coalitions of end buyers, investors, employers, labour recruiters and advocacy organizations such as Transparentem, KnowTheChain, Corporate HR Benchmark and the like. Identify opportunities for collective action to improve migrant workers' human and labour rights.
  - Engage with governments and, where possible, act as a partner for international, regional and national initiatives that promote the ethical recruitment, employment and return of migrant workers.
  - Support capacity-building and collaborative work across business partners in the migration corridor and sector.

# SUPPORTING TOOLS

\*To access Tools, please refer to the attachments sidebar of this main guide or click on below links to download from IOM website.

## 🔗 MIGRANT WORKER INTERVIEW TOOL

This tool outlines key principles and guidance on how to conduct interviews with migrant workers that covers all phases of their labour migration journeys. It includes guidance note on how to protect migrant workers who participate in labour migration process mapping activities and tailored interview questionnaire to suit the specific focus of the planned assessment.

## 🔗 EMPLOYER MANAGEMENT INTERVIEW TOOL

This tool outlines key principles and guidance on how to conduct interviews with business enterprises as part of the labour migration process mapping activities. It includes lists of documents requested for assessment and interview questionnaire for management staffs that indicates key areas related to the recruitment, employment and return of migrant workers.

## 🔗 LABOUR RECRUITER MANAGEMENT INTERVIEW TOOL

This tool outlines key principles and guidance on how to conduct interviews with labour recruiters as part of the labour migration process mapping activities. It includes lists of documents requested for assessment and interview questionnaire for labour recruiter management staffs that indicates key areas related to the recruitment, employment and return of migrant workers.



Nicaraguan migrants in Costa Rica working in the construction industry. © IOM 2007

# ANNEX A. ADDITIONAL RESOURCES

National legislation	NATLEX. A global database of national labour, social security and related human rights legislation covering 196 countries and over 160 territories and subdivisions.
International Labour Organization Instruments	<p>Equal Remuneration Convention, 1951 (No. 100)</p> <p>Forced Labour Convention, 1930 (No. 29)</p> <p>Protocol of 2014 to the Forced Labour Convention, 1930 and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)</p> <p>Migration for Employment Convention (Revised), 1949 (No. 97)</p> <p>The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)</p> <p>Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and Equality of Treatment (Social Security), 1962 (No. 118)</p> <p>Work in Fishing Convention, 2007 (No. 188)</p>
Human rights due diligence	<p>OECD Due Diligence Guidance for Responsible Business Conduct</p> <p>IOM Fair and Ethical Recruitment Due Diligence Toolkit (2021)</p> <p>Verité, Fair Hiring Toolkit</p> <p>Danish Institute for Human Rights, Human rights impact assessment guidance and toolbox</p> <p>Sedex Guidance on Operational Practice and Indicators of Forced Labour</p> <p>United Nations Guiding Principles Reporting Framework</p>
Ethical, fair and responsible recruitment	<p>ILO, Private Employment Agencies Convention, 1997 (No. 181)</p> <p>ILO, General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs</p> <p>ILO, A global comparative study on defining recruitment fees and related costs: Interregional research on law, policy and practice</p> <p>IOM, The Montreal Recommendations on Recruitment: A roadmap towards better regulation</p> <p>IOM, IRIS Standard on ethical recruitment</p>
Guidance on remediation	<p>Remediation efforts should refer to the following ILO conventions: Accommodation of Crews Convention (Revised), 1949 (No. 92), Collective Bargaining Convention, 1981 (No. 154) and Examination of Grievances Recommendation, 1967 (No. 130).</p> <p>IOM, Operational Guidelines for Businesses on Remediation of Migrant Workers Grievances</p> <p>IOM, Remediation Guidelines for Victims of Exploitation in Extended Mineral Supply Chains</p> <p>Ethical Trading Initiative (ETI), Access to remedy: Practical guidance for companies</p> <p>Institute for Human Rights and Business (IHRB), Responsible recruitment: Remediating worker-paid recruitment fees</p> <p>Verité, Remediation and elimination of recruitment costs charged to migrant workers</p> <p>Electronics Watch, Guidance for Remediation and Prevention of Migrant Worker Recruitment Fees and Related Costs in Public Procurement</p> <p>Impactt, Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs</p> <p>Shift, Remediation, grievance mechanisms and the corporate responsibility to respect human rights</p>

### Policy commitment

United Nations Global Compact, [A guide for business: How to develop a human rights policy](#)

IHRB, [Dhaka Principles for Migration with Dignity](#)

Hewlett Packard Company (HP), [Hewlett Packard Company supply chain foreign migrant worker standard guidance document](#)

Adidas, [Guidelines on Employment Guidelines \(revised 2020\)](#)

Apple, [2020 Statement on efforts to combat human trafficking and slavery in our business and supply chains](#)

H&M Group, [Commitment to human rights](#)

Patagonia, [Migrant Worker Employment Standards and Implementation Guidance](#)

International Finance Corporation (IFC), [Environmental and Social Management System Toolkit](#)

### Engagement with migrant workers

IOM, [Human resource guidebook on employer obligations and cultural sensitivity](#)

### Gender

UN-Women, [Gender-responsive guidance on employment contracts](#)

UN-Women, [Empowering women migrant workers from South Asia: Toolkit for gender-responsive employment and recruitment](#)

IOM, [Addressing women migrant workers' vulnerabilities in international supply chains](#)

UN-Women, [Guidance for action: Addressing the emerging impacts of the COVID-19 pandemic on migrant women in Asia and the Pacific for a gender-responsive recovery](#)

UN-Women, [Guidance note: Addressing the impacts of the COVID-19 pandemic on women migrant workers](#)

UN-Women, [Guidance for action: Gender-sensitive private sector response to COVID-19 for accelerated and inclusive economic recovery](#)

### COVID-19

ILO, [COVID-19 and the world of work \[video\]](#)

IOM, [COVID-19: Guidance for employers and business to enhance migrant worker protection during the current health crisis](#)

IOM, [COVID-19: Guidance for labour recruiters to enhance migrant worker protection during the current health crisis](#)

Verité, [COVID-19 and vulnerability to human trafficking for forced labour](#)

IOM, [Literature review: Migrant worker accommodation: Examining public and private sector approaches and the impacts of COVID-19](#)

### Grievance mechanisms

Verité, [Fair Hiring Toolkit](#), for guidance on establishing effective grievance mechanisms and protection for whistleblowers

Verité, [Effective grievance mechanisms: A case study](#)

Shift, Oxfam, and Global Compact Network Netherlands, [Doing Business with Respect for Human Rights](#) (see especially Chapter 3.8, Remediation and grievance mechanisms: "Early warning, effective solutions")

ILO, [Examination of Grievances Recommendation, 1967 \(No. 130\)](#)

### Assistance to vulnerable migrants and victims of trafficking

The IOM Handbook on Direct Assistance for Victims of Trafficking

IOM Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse

### Case studies

Impact, [Ethical recruitment in the garment industry: A case study exploring the benefits of implementing ethical recruitment practices and the impact on workers and business](#). Provides an overview of how a supplier remediated migrant worker-paid recruitment fees in collaboration with a coalition of buyers

Adidas, [Summary of third party complaint process](#). An example of a garment businesses third-party grievance mechanism, including who can access it and how it works

# ANNEX B. COMMON CHALLENGES AND RISKS FACING MIGRANT WORKERS

Recruitment and deployment	Employment	Return or onward migration
Country of origin, transit and destination	Country of destination	Country of origin
Recruitment carried out by unlicensed or unauthorized subagents or labour recruiters	Limited information about workplace rights and lack of cultural knowledge in the country of destination	Unfair dismissal or termination of employment
Worker-paid recruitment fees and related costs, linked to high interest rates loans and debt bondage	Discrimination (including xenophobia) and harassment or violence at work (including gender-based violence, sexual harassment and abuse)	No freedom to terminate employment or change employer
Lack of transparency or inaccuracy of terms and conditions of employment	No or limited access to freedom of association or collective bargaining	Involuntary return where applicable laws require the return of pregnant women migrant workers
Misinformation about wage payments and deductions	Unequal or incorrect pay, excessive or forced overtime and inadequate rest time	Non-payment of outstanding wages and benefits during return (especially in situations of crisis)
Discrimination during the screening or interview process	Unlawful wage deductions and involuntary saving schemes	Remaining financial debt, both in case of successful and unsuccessful labour migration
Passports or other personal documents withheld from the start of recruitment, leading to potential coercive recruitment	Work coercion through the withholding of wages or personal documents, or through recruitment-related debt	Lack of support to travel home in a safe and orderly manner
Inadequate or no employment contracts	Exclusion of migrant workers from standard company health and safety training	No or limited access to return and reintegration or onward migration information and support services
Contract substitution, where their original employment contract is later replaced with a contract with less favourable terms and conditions	Poor or negligent occupational safety and health practices	Stigmatization of migrant workers returning after labour migration
Wrong type or no visa for country of destination	Retention of personal documents (including passports)	Difficulty when attempting to re-enter the local labour market due to skill mismatch
Unsafe conditions of transportation or lodging during migration or deployment	No freedom of movement beyond the workplace and accommodation	
Breaches of privacy, including the disclosure of personal information without consent	Unsafe, unhygienic and crowded accommodation	
Demand for bribes	Lack of access to health services or social protection	
	For employment through agencies, dual or more sets of obligations or rules imposed on the same worker, possibly with a low level of education	
	Pregnancy testing	
	Poor or poorly implemented labour protections, especially in particular sectors; labour inspectorates unable or unwilling to enforce minimum standards	
	Limited means of communication	
	Inadequate food or drinking water provisions	

## At all stages of labour migration

- Social isolation, psychological stress or depression due to language barriers, discrimination, separation from support networks and remote accommodations
- Lack of safety, health, labour and social protections during crisis situation (for example, during COVID-19)
- Increased risk of exploitation and abuse
- No or limited access to remedy when human and labour rights are violated during recruitment, deployment, employment and return
- Severe human and labour rights violations, including trafficking in persons and forced labour, which can occur when several of the above factors are present

# ANNEX C. EXAMPLE OF LABOUR RIGHTS RISKS

The below list provides some example indicators of human and labour rights risk which may be identified during management interviews. This list is not exhaustive and will be expanded based on learning from labour migration process mappings going forward. See the [Sedex Members Ethical Trade Audit \(SMETA\) Non-Compliance Guidance](#) for detailed lists of examples of non-compliances.

Risk	Description
Lack of employer or labour recruiter understanding of labour rights risks	The employer lacks understanding of the risks facing migrant workers during their recruitment and deployment, employment and return or onward migration.
Lack of freedom of movement	The employer or labour recruiter withholds migrant worker passports and other personal documents, such as marriage certificates and education certificates.  The employer does not provide an early termination clause in migrant workers' employment contracts.  The employer or labour recruiter prevents migrant workers from entering or leaving their accommodation (for instance, locks doors to migrant worker dormitories).
Lack of gender-specific policies or grievance mechanisms	The employer does not have human resources policies in place to address gender equality.  There is no mechanism for workers to report issues related to gender-based violence including sexual exploitation, abuse and sexual harassment.
Non-existence of contracts or service agreements between employers, labour recruiters and subagents	The employer does not have a formal contract in place with labour recruiter partners.  The labour recruiter does not have a formal contract in place with subagents.
Unwarranted deductions from wages	The employer makes unlawful deductions from migrant workers' wages when they fail to meet production targets.  The employer does not pay minimum wage.  The employer does not pay social security or insurance contributions.
Lack of understanding of legal requirements surrounding wages and working hours	The employer does not provide break times or overtime in line with applicable legal requirements.  The employer does not adhere to national legal standards surrounding pay and hours.
Gender discrimination	The employer does not ensure or is not aware of the concept of "equal pay for work of equal value".  The employer does not provide promotions to migrant workers of particular genders.  The employer requires women migrant workers to carry out additional cleaning tasks after working hours are completed, but does not ask the same of men.  The labour recruiter only selects migrant workers of particular genders for certain job roles, destination countries and industries.
Lack of grievance mechanisms	The employer or labour recruiter does not have, or participate in, an effective grievance mechanism for migrant workers.
Lack of transparency around recruitment fees and related costs	Labour recruiter does not have a detailed breakdown of recruitment fees and related costs charged to migrant workers.
Lack of freedom of association and worker dialogue	Migrant workers are not permitted to organize and there are no mechanisms in place for migrant worker-management dialogue.



