

MIGRANT WORKER GUIDELINES FOR EMPLOYERS

Promoting Respect for the Human and Labour Rights of
Migrant Workers through Ethical Recruitment and
Deployment, Responsible Employment and Safe Return



 **IOM**
UN MIGRATION

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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INTRODUCTION

This document provides practical guidance for business enterprises on how to recruit and employ international migrant workers responsibly. It has been developed by the International Organization for Migration (IOM) in collaboration and consultation with its partners and stakeholders as part of IOM's regional Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) initiative in Asia.

This guidance is aligned with international human rights and labour standards and frameworks on international migration. It is informed by IOM's extensive experience working with governments, civil society, migrant workers and the private sector, as well as the collection of good practice by employers, labour recruiters and multinational enterprises. IOM's projects with the private sector to map the journeys of migrant workers in international supply chains, including direct consultations with migrant workers and their representatives, regulators, employers, labour recruiters and other relevant service providers from 15 countries, contributed directly to developing this guidance. IOM received technical written feedback from key stakeholders, including agencies from the United Nations and experts from civil society and the private sector.

This guidance 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 (UNGPs), the Organisation for Economic Co-operation and Development's (OECD) Guidelines for Multinational Enterprises, OECD's Due Diligence Guidance for Responsible Business Conduct, the International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and related standards and guidance on responsible business conduct.

This guidance has been designed to promote a labour migration process that is in line with Global Compact for Safe, Orderly and Regular Migration. The scope of this guidance is centred around international migrant workers in regular, lower-wage and temporary employment situations who are often at higher risks of abuse and discrimination. However, the principles described in this document apply to all workers, regardless of their nationality and migration status.

Recognizing the need for collaboration among governments as primary duty bearers, civil society organizations and the private sector, this guidance highlights the specific role employers play in facilitating the ethical recruitment and employment of migrant workers. This guidance is primarily for human resources and personnel engaged with migrant workers; it can be integrated in existing company policies, procedures and practices. It can be adapted to multiple international migration corridors and economic sectors.

The guidance also considers additional challenges linked to gender inequalities, situations of crisis and emergencies such as the coronavirus disease (COVID-19) pandemic and the return or change or onward migration of migrant workers by outlining concrete steps for employers. It is recommended that employers read the relevant international standards and resources listed in the annex. Where international standards and applicable laws differ, employers should follow the higher standard.

IOM's Migrant Workers Guidelines for Employers will remain a living document and will be updated as needed in coordination with IOM's partners and stakeholders.

IOM website: www.iom.int

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OVERVIEW OF THE MIGRANT WORKER GUIDELINES FOR EMPLOYERS

PART 1

UNDERSTANDING MIGRANT WORKERS AND THE LABOUR MIGRATION PROCESS

Provides an overview of global migration trends, the labour migration process and the responsibility of employers to respect the rights of migrant workers and mitigate risks of harm.

- Key facts and figures on migration
- Overview: The labour migration process

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PART 2

BUILDING A LABOUR MIGRATION MANAGEMENT SYSTEM

Outlines how employers should address and mitigate the risks migrant workers face by putting in place a labour migration management system based on four components.

- Component 1: Policy commitment
- Component 2: Human rights due diligence
- Component 3: Remediation
- Component 4: Engagement with migrant workers

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PART 3

MANAGING THE LABOUR MIGRATION PROCESS

Outlines the key human rights principles and practices employers should follow when recruiting and employing migrant workers. The principles follow typical stages of the labour migration process.

All stages of labour migration: Overarching principles

- Stage 1: Recruitment and deployment
- Stage 2: Employment
- Stage 3: Return or onward migration

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PART 4

SUPPORTING TOOLS

Provides tools, including checklists, guidance notes and other useful documents, to help employers develop and implement the system, principles and practices to manage the labour migration process.

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PART 1

UNDERSTANDING MIGRANT WORKERS AND THE LABOUR MIGRATION PROCESS

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Tamil women plucking tea leaves near Nuwara Eliya, Sri Lanka (Ceylon) © Husain Akbar 2019/Unsplash

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While most people move within their country of birth, about a quarter of all migrants (272 million people) move between countries in search of better employment, education and livelihood opportunities and more stable and peaceful environments.

- BETTER EMPLOYMENT**
- BETTER EDUCATION**
- LIVELIHOOD OPPORTUNITIES**
- STABLE AND PEACEFUL ENVIRONMENTS**



2/3 OF ALL INTERNATIONAL MIGRANTS MOVE FOR WORK (164 MILLION PEOPLE)

Nearly two thirds of all international migrants (164 million people) move for work, with men representing a slightly higher proportion of migrant workers than women.¹

Migrant workers make a valuable contribution to society. They support the development of their countries through remittances and help facilitate the transfer of skills and creation of business and trade networks. In countries of destination, 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 health equipment during the COVID-19 pandemic.

While most migrant workers have positive migration and employment experiences, they can be vulnerable to discrimination, abuse and

exploitation. The latest global estimates on modern slavery indicate that migrant workers represent almost a quarter of the 25 million victims of forced labour globally.² Around the globe, migrant workers move and migrate in irregular conditions and are therefore exposed to increased risks to experience harm during their journeys. While governments, civil society and the private sector must work together to address this problem, there are steps employers can take now to address potential risks for migrant workers and to respect their human and labour rights.

Understanding the unique needs and experiences of migrant workers at all stages of the labour migration process will help business

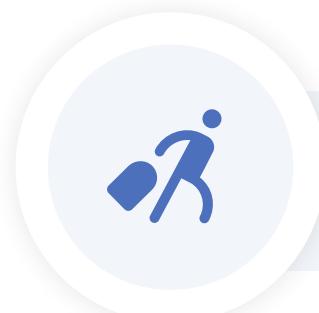
enterprises establish a safe, fair and respectful environment for migration and employment. It will also build awareness on the risks migrant workers can face and the vulnerabilities they have. The journey that migrant workers often take from their community in the country of origin, through countries of transit or directly to the worksite in the country of destination, can be broken down into three stages: recruitment and deployment, employment, and return or onward migration. However, it is important to note that migration routes and practices may change over time and can differ depending on involved countries and migration context.

1. IOM, [World Migration Report 2020](#); ILO, [ILO Global Estimates on International Migrant Workers: Results and Methodology](#) (Geneva, 2018).

2. IOM, ILO and Walkfree Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#) (Geneva, 2017).

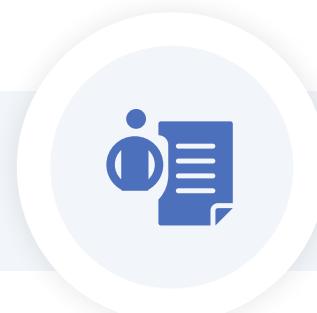
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SUMMARY: THE LABOUR MIGRATION PROCESS



RECRUITMENT AND DEPLOYMENT

The journey of migrant workers begins with recruitment. When employers are unable to fill positions locally, they often look for workers abroad. In many cases, migrant workers will be identified by labour recruiters operating on behalf of the employers.



EMPLOYMENT

This is the stage when migrant workers begin their work and life at the country of destination. Employers of migrant workers have a responsibility of ensuring decent working conditions as well as covering additional aspects related to migrant workers' life abroad.



RETURN OR ONWARD MIGRATION

Following the completion of employment in the destination country, migrant workers typically return to their community in the country of origin. Alternatively, some migrant workers may choose to extend their employment in the country of destination, change employment or migrate to another country.

PART 2

BUILDING A LABOUR MIGRATION MANAGEMENT SYSTEM

Business enterprises must fulfil their human rights responsibilities towards all workers, including migrant workers, in a way that is sustainable and leads to consistent results over time. This section supports enterprises in establishing and continuously improving an internal labour migration management system based on four components:

- Policy commitment;
- Human rights due diligence;
- Remediation; and
- Engagement with migrant workers.

Such system needs to be in place prior to the hiring of migrant workers and be maintained during recruitment, employment and the facilitation of return or onward migration.

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One chinese worker assembling production at line conveyor in china factory © kadmy 2020/ Bigstock

OVERVIEW

BUILDING A LABOUR MIGRATION MANAGEMENT SYSTEM

COMPONENT 1	COMPONENT 2
Policy commitment	Due Diligence
<p>Step 1 Establish policies to demonstrate respect for the human and labour rights of migrant workers</p> <p>Step 2 Integrate policies into internal management systems to ensure consistent implementation</p>	<p>Step 1 Identify and assess risks to migrant workers during all labour migration stages</p> <p>Step 2 Implement action plans that are fit-for-purpose to prevent and mitigate identified risks</p> <p>Step 3 Track the implementation and results of due diligence measures</p> <p>Step 4 Communicate how risks are addressed</p>
COMPONENT 3	COMPONENT 4
Remediation	Engagement with migrant workers
<p>Step 1 Establish or participate in a grievance mechanism that is accessible to migrant workers</p> <p>Step 2 Provide effective and prompt remediation where harm has occurred</p> <p>Step 3 Monitor the implementation of remediation and capture learnings for continuous improvements</p>	<p>Step 1 Include migrant workers in the design, implementation and monitoring of the enterprise's policies and management systems related to human rights and labour migration</p> <p>Step 2 Provide effective support services to address the specific vulnerabilities of migrant workers</p> <p>Step 3 Collaborate with credible organizations that can help overcome persistent challenges</p>

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Due Diligence	Step 2
Remediation	
Engagement with migrant workers	

3. The Employer Pays Principle (EPP) is considered best practice and is endorsed and promoted by the [Leadership Group for Responsible Recruitment](#). The Leadership Group consists of several MNEs including IKEA, HP, Unilever, Coca Cola, which have all committed to implementing the EPP within their operations and supply chains by 2026.

Component 1

POLICY COMMITMENT

Business enterprises should have a public policy commitment to demonstrate respect for migrant workers' human and labour rights throughout all stages of labour migration and in line with international standards as well as applicable laws. The development of the policy should be informed by consultations with all stakeholder groups, including migrant workers and their representatives. Having a policy commitment allows the enterprise to set a clear standard that can be understood and followed by enterprise personnel, business partners and other parties directly linked to its operations, business relationships, products or services. Integrating policies into internal management systems can help ensure consistent implementation, compliance and continuous improvement over time. The guiding international standards and policies outlined in this document address the specific needs and risks experienced by migrant workers.

Policy commitment	Step 1	Step 2	Key Actions
Due Diligence	Step 1		<p>Establish policies to demonstrate respect for the human and labour rights of migrant workers</p> <p>For relevant international frameworks see also: Additional resources</p> <ul style="list-style-type: none"> Establish clear and written policies that respect the human and labour rights of all migrant workers regardless of their migration status and during their recruitment and deployment, employment and return or onward migration. Involve internal and external expertise and stakeholders, including a diverse group of migrant workers and their representatives, to inform policy development, and obtain approval at the most senior level executive of the business enterprise. Apply the policies to the business enterprise's own operations and business relationships, including labour recruiters, employment agencies, suppliers and service providers (such as transport, logistics, cleaning, security). Include the following minimum commitments in the policies: <ul style="list-style-type: none"> Respect all applicable laws and regulations in countries of origin, transit and destination relating to recruitment, employment and migration; Respect equal treatment of migrant workers and nationals in employment and working conditions;
Remediation			
Engagement with migrant workers			

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		Component 1
		POLICY COMMITMENT
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Policy commitment	▶	Step 1
Due Diligence	▶	Step 2
Remediation	▶	<p>Integrate policies into internal management systems to ensure consistent implementation</p> <p>1. Communicate the policies to internal and external stakeholders, including migrant workers, in languages they understand, and display the policies on the company's website and at the workplace.</p> <p>2. Embed the policies in operational procedures and processes and integrate into existing and new business contracts.</p> <p>3. Assign oversight and responsibility to relevant senior management and across appropriate departments for implementing the policies.</p> <p>4. Provide adequate resources, orientation and periodic training to migrant workers, other employees and business partners for them to understand and apply the policies.</p> <p>5. Regularly review and update the policies at least annually or as risks emerge and evolve in the enterprise's operations, supply chain and other business relationships.</p>
Engagement with migrant workers	▶	

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DUE DILIGENCE

Business enterprises should carry out human rights due diligence to proactively manage potential and actual adverse human rights impacts that are caused by or linked to their operations, business relationships, products or services. Human rights due diligence concerns risks to people, not risks to business. Where such risks are unattended, they can turn into serious legal, financial and reputational risks for business enterprises. As risks can change over time, due diligence must be an ongoing process, involve meaningful stakeholder engagement and be transparent to the public. Due diligence measures outlined in this document are tailored to the labour migration process and the common challenges experienced by migrant workers. These measures should be integrated into and fill gaps in existing company systems.

Step 1

Identify and assess risks to migrant workers during all labour migration stages

Key Actions

1. Conduct own research, draw on internal and/or external human rights expertise on the labour migration process and migrant workers, and undertake meaningful consultations, including engaging directly with a diverse group of migrant workers and/or their representatives to understand migration journeys from countries of origin to locations of work, how and when migrant workers can be vulnerable to human and labour rights violations and which actors are involved in countries of origin, transit and destination. See also: [Common challenges and risks experienced by migrant workers at all stages of labour migration](#)
2. Carry out in-depth assessments to understand how own business practices and those of business partners may negatively impact migrant workers during their recruitment and deployment, employment and return. The assessments involve the following key actions:
 - Mapping the enterprise's processes, procedures, workforce data and business relationships including at countries of origin (for example labour recruiters, training centres, transportation service providers, janitorial and security service providers);
3. Based on the information obtained, analyse and prioritize identified risks in accordance with their severity and likelihood of occurring.
4. Reassess risks regularly as needed (for instance changes in applicable laws and regulations, internal policy revisions, new business relationships, new recruitment cycle of migrant workers).

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Step 2

Key Actions

Implement action plans that are fit-for-purpose to prevent and mitigate identified risks

1. Develop and implement action plans that include clear targets, timeframes, resource allocation and responsibilities for preventing and mitigating identified risks to migrant workers in own operation and business relationships. Relevant actions relating to migrant workers may include:
 - Supporting irregular migrant workers in accessing available regularization schemes provided by relevant government departments;
 - Revising internal policies to include the prohibition of recruitment fees and related costs charged to migrant workers;
 - Developing comprehensive and standardized orientations for migrant workers to understand their rights at all stages of labour migration;
 - Upgrading migrant workers' accommodations to provide healthy, safe, hygienic, decent and gender-responsive living conditions (such as in the context of COVID-19);
 - Providing additional trainings to business partners on company relevant policies and good practices to address identified human rights risks of migrant workers.
2. Use company influence to the greatest extent possible and support business partners (for example labour recruiters) to implement their own action plans to address and mitigate risks. Where they have made little or no effort to complete the action plan, have proved to be incapable of improvement, or where improvement is not feasible, consider the temporary suspension or termination of the business relationship.
3. Collaborate with trusted partners, such as relevant administrative bodies, trade unions, civil society organizations, and consular services of countries of origin to develop and implement joint approaches in addressing identified risks.
4. Whenever possible, coordinate and collaborate across sectors, engage government (for example participating in policy dialogue through membership in sectoral associations), and use effective existing initiatives to prevent and mitigate systemic risks that are beyond immediate control, such as gaps in laws and regulations that create inconsistencies with the human and labour rights policies of the enterprise.

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Step 3

Track the implementation and results of due diligence measures

Key Actions

1. Put a mechanism in place to check that company policies, risk mitigation measures and action plans are being followed by employees and business partners.
2. Engage a diverse and representative group of migrant workers and their representatives at all stages of the labour migration process to understand their experience and uncover instances where company policies have not been followed by employees and/or business partners. Relevant actions relating to migrant workers may include:
 - Engaging civil society organizations to support the monitoring of the recruitment and deployment process at the countries of origin;
 - Verifying directly with migrant workers upon their arrival if they have paid any recruitment fees and related costs;
 - Using technology to overcome language barriers and collect regular worker feedback on company policies and processes.
3. Conduct regular social audits and assessments of business partners to verify that the human and labour rights policies and risk mitigation measures are being implemented and adverse impacts have been prevented or mitigated. See also [Screening, contracting and monitoring of labour recruiters](#)
4. Maintain accurate and transparent records of due diligence efforts, conduct regular management reviews to identify gaps and analyse ongoing performance and use lessons learned to continuously improve due diligence process, internal policies and management systems, as well as future business practices.

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Step 4

Key Actions

Communicate how risks are addressed

1. Exercise transparency and share information with internal and external stakeholders about company policies, identified risks, how the enterprise addresses and mitigates risks relating to migrant workers and the related outcomes. Take due regard for commercially sensitive information and publish relevant reports and statements (for example on the enterprises' website).
2. Work with relevant stakeholders including a diverse and representative group of migrant workers, business partners, expert groups to develop strategies to address persistent risks to migrant workers.

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REMEDIATION

Business enterprises should establish operational-level grievance mechanisms that are accessible to migrant workers and their representatives in a language they understand. Where harm has occurred, migrant workers must receive fair and effective remedy. Such remediation should be appropriate and proportional to the severity of the violation and adapted to the circumstances of each case. Effective grievance mechanisms also present an opportunity for the business enterprise to identify and address problems early and directly and obtain important information to continuously improve internal policies and procedures to prevent future harm. However, obtaining direct remediation by the enterprise does not preclude migrant workers from accessing available regular judicial or labour administrative grievance mechanisms.

For additional guidance on this topic, please refer to

[IOM's OPERATIONAL GUIDELINES FOR BUSINESSES ON REMEDIATION OF MIGRANT WORKER GRIEVANCES](#)

Step 1

Establish or participate in a grievance mechanism that is accessible to migrant workers

Key Actions

1. Operate a grievance mechanism that is legitimate, accessible, predictable, equitable, transparent and rights-compatible.⁴ The mechanism should be based on engagement with migrant workers – especially women and groups that might be particularly vulnerable or marginalized – in its design and implementation to address the potential barriers that typically prevent use by migrant workers (for instance due to fear of retaliation or deportation, language barriers, costs to workers, lack of trust, lack of written evidence).
2. Manage the grievance mechanism in-house or in partnership with other stakeholders, including trade unions and civil society organizations. Ensure that the mechanism consists of clear policies and procedures, including the scope for complaints and remediation, required languages, timelines and focal points. Provide training for focal points to screen and handle complaints, including from women migrant workers.
3. Ensure that the grievance mechanism is easily accessible to migrant workers during recruitment, deployment, employment and return. This can be achieved by including information on the grievance mechanism in vacancy notes and orientations to migrant workers prior to departure, post-arrival and during employment, and through collaboration with trade unions and civil society organizations in countries of origin.
4. Provide multiple channels for migrant workers to learn about the grievance mechanism and lodge complaints in a language they understand. Typical grievance channels include direct communications with supervisors and human resources, telephone hotlines, SMS messaging, emails, online platforms and others.
5. Take steps to understand and connect migrant workers to other grievance mechanisms, including those run by labour recruiters, trade unions, civil society organizations and governments. Do not prevent migrant workers from accessing alternative grievance mechanisms such as State-led mechanisms, and do not engage in retaliatory practices, such as dismissing individuals who seek remedies.

4. United Nations, [Guiding Principles on Business and Human Rights](#) (2011), Principle 31 on effectiveness criteria for non-judicial grievance mechanisms.

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Step 2

Key Actions

Provide effective and prompt remediation where harm has occurred

1. Investigate allegations and respect the confidentiality of migrant workers who wish to remain anonymous, especially in relation to sensitive issues such as gender-based violence, sexual harassment and women's reproductive health.
2. Where the business enterprise finds that harm has occurred, provide migrant workers with remediation that is commensurate to the violation. Such remediation can include 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. Typical remediation provided to migrant workers may include but is not limited to:
 - Repaying all recruitment fees and related costs that were wrongfully charged to migrant workers;
 - Returning seized passports and other personal property to migrant workers;

- Organizing and paying for the safe return (including the payment of all outstanding wages and benefits) to the country of origin or supporting a change of employment where migrant workers wish to terminate their employment.
- 3. Consult affected migrant workers and their representatives to determine the remedy and give the possibility to appeal the outcome. Where disputes remain unresolved, use a legitimate, independent third-party mechanism, such as a labour court or alternative dispute resolution mechanisms.
- 4. In the event of collective disputes around general standards or rules, engage in collective bargaining or establish other forms of workplace cooperation between management and workers.

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[IOM's OPERATIONAL GUIDELINES FOR BUSINESSES ON REMEDIATION OF MIGRANT WORKER GRIEVANCES](#)

Step 3

Monitor the implementation of remediation and capture learnings for continuous improvements

Key Actions

1. Confirm with the migrant workers when the remedy has been fully provided and if there have been any positive or negative outcomes (for example better treatment or retaliatory treatment, adequate or inadequate health care or stigma). If negative outcomes are confirmed, take additional actions to address the remaining issues before the incident can be closed.
2. Document the grievance handling process and close the incident. The final documentation respects privacy principles and includes the receipt of grievance, investigation and resolution, and a record of acknowledgment about the established outcome signed by the affected migrant worker.
3. Conduct regular reviews to identify areas for improvement in the mechanism and overall management system to prevent future grievances and harms. This should include the feedback from migrant workers, trade unions, civil society, business partners and other involved stakeholders.

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ENGAGEMENT WITH MIGRANT WORKERS

Migrant workers are an important resource and partner for employers to guide and assess the management effectiveness of the labour migration process. The business enterprise should therefore involve migrant workers and their representatives throughout the design, implementation and continuous improvement of its policies and management systems, due diligence processes and grievance mechanisms. Including a diverse and representative group of migrant workers (for example in terms of gender, nationality, ethnicity, ability or other characteristics) is important. Specific support services and partnerships with recognized third parties can be effective means to address the unique vulnerabilities of migrant workers and resolve persistent challenges. Ultimately, the close engagement of migrant workers will help build stronger employment relationships between migrant workers and employers that are based on mutual respect, benefit and trust.

Step 1

Key Actions

Include migrant workers in the design, implementation and monitoring of the enterprise's policies and management systems related to human rights and labour migration

1. Building on the provision of decent employment and working conditions, make continuous investments in building employee relationships with migrant workers that are built on respect and trust. This may involve but is not limited to the following key actions:
 - Maintaining close communication about internal policies and external developments affecting migrant workers, including changes in applicable laws and regulations and public information announcements during situations of crisis;
 - Understanding the needs and challenges of migrant workers, paying attention to the different needs and experiences of different gender groups (for instance through regular face-to-face interviews and employee satisfaction surveys) and promptly resolving the issues that have been identified;
 - Providing individual and group-based incentive and reward schemes to all employees as part of the enterprise performance management (such as through wage increment, bonus payments, training and growth opportunities);
 - Holding managers and supervisors accountable for the implementation of internal human and labour rights policies and procedures, for example through key performance indicators and reviews. See also [Equal treatment and opportunity](#); [Safe, decent and respectful work environment](#)
2. Proactively consult and engage migrant workers of different backgrounds (for example in terms of gender, nationality, ethnicity, ability, etc.) and their representatives in the design and implementation of relevant internal policies, due diligence processes and grievance mechanisms.
3. Ensure that all relevant internal policies, due diligence processes and grievance mechanisms are inclusive of the specific gender needs of migrant workers.

BUILDING A LABOUR MIGRATION MANAGEMENT SYSTEM

Components

Policy commitment

Due Diligence

Remediation

Engagement with migrant workers

Step 1

Step 2

Step 3

Component 4

ENGAGEMENT WITH MIGRANT WORKERS

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Step 2

Provide effective support services to address the specific vulnerabilities of migrant workers

Key Actions

1. Address existing language barriers with migrant workers systematically. Ensure that all internal policies, trainings and briefings, grievance mechanisms, employment contracts and other relevant documents can be accessed in simple and clear languages that are understood by all migrant workers. It is recommended that the enterprise uses professional translation service providers and provides free-of-cost language training for migrant workers to learn the local language.
2. Establish and maintain a comprehensive information and orientation system to help migrant workers understand employment terms and conditions and their rights during life and work abroad, and to prevent misinformation, especially during recruitment. See also [Selection of candidates](#); [Pre-departure and travel](#); [Reintegration support](#)
3. Provide migrant workers with reasonable access to internet and communication services, including in dormitories, to enable unhindered contact with families and support networks.
4. Support migrant workers' participation in social activities and events available in the host community.
5. Facilitate access of migrant workers to training courses addressing specific identified needs, such as to improve their financial education through management of savings and remittances. See also [Payment of wages and benefits](#)
6. Make use of available communication technologies and social media to enhance communication with migrant workers, solicit worker feedback and improve available grievance mechanisms.

BUILDING A LABOUR MIGRATION MANAGEMENT SYSTEM

Components

Policy commitment

Due Diligence

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Engagement with migrant workers

Component 4

ENGAGEMENT WITH MIGRANT WORKERS

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Step 3

Key Actions

Collaborate with credible organizations that can help overcome persistent challenges

1. Establish partnerships with credible third-party organizations, including trade unions and civil society organizations that are trusted by migrant workers. Such partnerships can help improve company policies and management systems, due diligence measures, communication with migrant workers, monitoring of recruitment practices and support during crisis situations.
2. Join collaborative platforms such as sectoral and industry-level associations to benefit from access to available resource and training, to learn from best practices and to participate in policy dialogue.
3. Use existing information, support and welfare services available to migrant workers (such as Migrant Resource Centres, consular services, and others).

PART 3

MANAGING THE LABOUR MIGRATION PROCESS

The guidance in this section aligns with the typical stages of the labour migration process. Depending on individual needs, employers can refer to specific sections or apply the entire guidance at various stages of the labour migration process. In specific contexts (such as countries, applicable migration and employment laws, economic sectors and situations of crisis), there could be additional steps to manage the labour migration process and to address the vulnerabilities of migrant workers.

[Open Section](#)

The IOM Returns Task Force report on stranded migrants globally concluding there were, as of mid-July, 2.75 million stranded migrants globally. © IOM 2020

OVERVIEW

MANAGING THE LABOUR MIGRATION PROCESS



Overarching Principles

A Legal compliance

D Data protection

B Equal treatment and opportunity

E Crisis preparedness and management

C Access to remedy



Stage 1 Recruitment and deployment

1.1 Screening, contracting and monitoring labour recruiters

1.4 Selection of candidates

1.2 Recruitment fees and related costs

1.5 Employment contracts

1.3 Transparency and access to accurate information

1.6 Pre-departure and travel



Stage 2 Employment

2.1 Safe, decent and respectful work environment

2.4 Working hours

2.2 Freedom of association and collective bargaining

2.5 Access to personal documents

2.3 Payment of wages and benefits

2.6 Freedom of movement



2.7 Living conditions

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Stage 3 Return or onward migration

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Legal compliance	Equal treatment and opportunity	Grievance mechanisms	Data protection	Crisis preparedness and management
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All stages of labour migration:

OVERARCHING PRINCIPLES

The principles and key practices outlined in this section must be upheld by employers throughout the management of the labour migration process. This includes that employers should facilitate a regular migration process in accordance with applicable laws relating to migration and employment. Migrant workers should enjoy equal treatment with national workers, confidentiality of their personal data and have access to effective grievance mechanisms and remedy from the onset of recruitment and during employment and return. As an important lesson learnt during the coronavirus disease pandemic, employers must include migrant workers in their planning and response to various types of crisis while recognizing the specific risks facing migrant workers.

[Start](#)

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Legal compliance	Equal treatment and opportunity	Access to Remedy	Data protection	Crisis preparedness and management
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A | LEGAL COMPLIANCE



Migrant workers are recruited and employed in accordance with applicable laws in origin, transit and destination countries

Key actions

1. Understand business and supply chain practices and ensure they are compliant with applicable laws and regulations related to recruitment, deployment, migration and employment in countries of origin, transit and destination.
2. Obtain relevant government authorizations to hire migrant workers in countries of origin, transit and destination and prepare placement orders, (sample) employment contracts and all other required documentation in accordance with legal requirements. See also [Employment contracts](#)
3. Secure renewals of required worker documentation (annual medical certification, visa, passport, work permit) before expiration.
4. If appropriate, consider participating in available public regularization programmes to identify and hire migrant workers already in the destination country.

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compliance**Equal treatment
and opportunity**Access to
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protectionCrisis preparedness
and management**B | EQUAL TREATMENT AND OPPORTUNITY**

Migrant workers are treated equally and without discrimination

Key actions

1. Provide all migrant workers, irrespective of their migration status, age, gender, disability, race, ethnicity, nationality, origin or religion with the same terms and conditions regarding their employment as national workers. All decisions related to recruitment, wages, conditions of work, opportunities for promotion, access to training and termination of employment should be based on fair and objective criteria. See also [Safe, decent and respectful work environment](#)
2. Carry out assessments to determine if discrimination is taking place within the enterprise. Investigate allegations, take corrective actions and provide remediation with the involvement of trade unions and migrant workers' representatives, and monitor the implementation of the corrective action plan.
3. Provide training to all managers and supervisors, especially those involved in recruitment and selection (including labour recruiters) on their responsibilities in ensuring equal opportunities and non-discrimination.
4. Employ migrant workers directly and avoid outsourcing and subcontracting arrangements, whenever possible. If this is not possible, ensure subcontracted migrant workers have the same rights as direct employees of the enterprise.

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C | ACCESS TO REMEDY



Migrant workers have access to effective remedy throughout all stages of labour migration

Key actions

1. Follow the steps outlined in [Remediation](#) to ensure that an effective operational-level grievance mechanism is available to migrant workers during recruitment and deployment, employment and upon return or onward migration.
2. Inform migrant workers about available grievance mechanisms, including State-led mechanisms during recruitment and deployment, upon arrival and before return. See also [Transparency and access to accurate information](#), [Safe, decent and respectful work environment](#), [Change of employers](#).

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D | DATA PROTECTION

Migrant workers' personal data are treated as confidential and protected

Key actions

1. Establish a policy and procedures on data protection which are in accordance with applicable laws and regulations in countries of origin and destination.
2. Collect only personal information from migrant workers that is legitimately required in relation to their recruitment and deployment, employment and return.
3. Treat any personal information collected from migrant workers as confidential and only share on a "need-to-know" basis. This includes information relating to medical information, complaints and grievances.
4. Store migrant workers' personal data in a safe and secure way.
5. Inform migrant workers of the purpose for which their personal data is collected and stored. Obtain and document informed consent from migrant workers at the time of collection and prior to release of their personal data.
6. Require all business partners to comply with the business enterprise's data protection policy.

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E | CRISIS PREPAREDNESS AND MANAGEMENT



Migrant workers' human and labour rights are upheld during and after crisis

Key actions

1. In the event of crisis (environmental, political or public health crisis, including in the country of origin of migrant workers), conduct a rapid assessment of migrant workers' safety, health, social security, housing and basic needs; develop a systematic response plan with the involvement of migrant workers; and monitor and evaluate the effectiveness of responses to migrant workers' needs for improvement.
2. Provide access to official, regular and timely information to help migrant workers understand the crisis, related risks, measures to protect themselves and available support services. Information should be provided in languages that migrants can understand and disseminated via appropriate methods adapted to migrants' needs and literacy.
3. Make all efforts, whether independently or in coordination with business partners, consular authorities and other stakeholders, to uphold standards relating to general safety, equality of treatment, health care, wage payment, social protection and living conditions. See also [Living conditions](#), [Checklist: Migrant workers' accommodations](#)
4. Support migrant workers' wish to return by paying all outstanding wages and benefits; organizing and paying for their safe travel to the country of origin; and consulting with local labour departments and consular services where mobility is restricted due to the crisis.
5. Consider placing returned migrants at available operations or business partners in the country of origin or assisting their onward migration by offering them employment in another country. After the crisis abates, if possible and welcomed by the migrant workers, rehire and arrange for them to return to the same position or an equivalent position remunerated at the same rate.

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Stage 1

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 countries of origin and destination. The stakeholders include but are not limited to labour recruiters and/or subagents; employment agencies; medical, training, transport and housing providers; government departments; and the employer.

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1.1 | SCREENING, CONTRACTING AND MONITORING LABOUR RECRUITERS



Migrant workers are recruited directly or through ethical labour recruiters

Key actions

1. Where feasible, hire migrant workers directly or participate in available public employment services.
2. Conduct due diligence on all potential labour recruiters. This includes checking that labour recruiters are licenced, have no adverse court decisions and administrative sanctions against them and adhere to ethical recruitment principles.⁵
3. Enter into service agreements with selected labour recruiters, which require the labour recruiter to comply with all relevant policies of the enterprise. A clear protocol should be in place, detailing measures to take in case of any breaches by the involved parties. Where labour recruiters are involved in countries of origin and destination, the agreement should cover all three parties. See also [Checklist: Labour recruiter service agreements](#)
4. Require labour recruiters to carry out their own ongoing due diligence and maintain transparency on their business partners, including subagents.
5. Regularly audit labour recruiters and monitor their improvement plan to ensure continuous compliance with ethical recruitment requirements.
6. Where possible, hire local staff in the country of origin, or work with trusted civil society organizations to provide oversight of the recruitment process. See also [Human rights due diligence](#)

5. The [IRIS Standard](#) is a global standard that defines what ethical recruitment looks like in practice for labour recruiters. It consists of seven principles, which include respect for applicable laws and international standards, prohibiting the charging of recruitment fees and costs to migrant workers and respect for transparency in employment terms and conditions.

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1.2 | RECRUITMENT FEES AND RELATED COSTS



Migrant workers are not charged recruitment fees and related costs throughout the entire labour migration process

Key actions

1. Make a policy commitment to implement the Employer Pays Principle in accordance with the [ILO definition of recruitment fees and related costs](#). Communicate this commitment to internal and external stakeholders, including jobseekers and labour recruiters.
2. Include an itemized list of all recruitment fees and related costs in the service agreement with the labour recruiter. See also [Guidance note: Recruitment fees and related costs](#)
3. Where possible, pay recruitment fees and costs directly and avoid that migrant workers fall into financial debt to secure their employment. When this has not been adhered to, reimburse migrant workers within 30 days of their arrival at the workplace.
4. Take proactive due diligence measures to prevent labour recruiters from recouping or double-charging additional recruitment fees or costs to migrant workers (for example interviews with migrant workers upon their arrival or other means to confirm no fees or costs were charged, clearly defined sanctions for labour recruiters in the service agreement in the case of such breaches). Where such illegitimate charges were found, fully reimburse migrant workers in a timely manner.

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1.3 | TRANSPARENCY AND ACCESS TO ACCURATE INFORMATION



Migrant workers have access to accurate information about all terms and conditions of migration and employment

Key actions

1. Check that the vacancy announcement in the country of origin provides an accurate description of the terms and conditions of employment and adheres to ethical recruitment principles, such as non-discrimination and prohibiting the charging of recruitment fees and costs to jobseekers.
2. Require labour recruiters to monitor the practices of any involved subagents and confirm that accurate and transparent information is being provided to jobseekers from the start of recruitment.
3. Prior to the interview and selection stage, hold an information session for jobseekers that outlines the terms and conditions of recruitment, deployment, employment and return or onward migration in a language they can understand. It is recommended

that this information session is delivered directly by a trained and competent representative of the employer. The information session may include but is not limited to the following topics:

- Working and living abroad
- Workplace and living environment
- Recruitment and migration process
- Terms and conditions of employment (“Know your rights”)
- Occupational health and safety
- Grievance mechanisms

See also [Employment contracts](#); [Pre-departure and travel](#)

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1.4 | SELECTION OF CANDIDATES



Migrant workers are selected based on merit, without discrimination or coercion

Key actions

1. Interview and select candidates based on the required skills and qualifications to perform the work. It is important for the employer to participate directly in the screening, interviewing and selection process to provide adequate oversight of the process and identify the candidates who are most qualified for the advertised position. See also [Equal treatment and opportunity](#)
2. Verify that migrant workers meet the legal minimum age requirements to work in the country of destination.
3. Provide a written copy of the employment contract to candidates with sufficient time for review.
4. Where additional skills or language training is needed as a condition of employment, monitor the practices of training providers to ensure effectiveness and mitigate risks of harm to migrant workers, such as additional training costs charged to the job seekers. See also [Recruitment fees and related costs](#)

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1.5 | EMPLOYMENT CONTRACTS



Migrant workers voluntarily sign a written employment contract in a language they understand prior to their departure

Key actions

1. Provide migrant workers with employment contracts that include terms and conditions that are clear, accurate, simple, compliant with applicable laws and in a language the migrant workers understand. See also [Checklist: Employment contracts](#)
2. Establish a clear procedure for the selected candidates to accept the employment offer and sign their employment contract well in advance of their departure. Migrant workers are free to withdraw from the recruitment process at any point.
3. Ensure that the initial employment contract signed by the migrant worker prior to departure is not substituted at a later stage for another employment contract with less favourable conditions to the migrant worker.

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1.6 | PRE-DEPARTURE AND TRAVEL



Migrant workers safely travel from their community origin to their location of work

Key actions

1. In coordination with the labour recruiter, ensure migrant workers participate in official pre-departure orientation training in the country of origin. These orientations are typically a requirement by applicable laws and regulations and provided by public services or accredited organizations and/ or service providers.
2. In coordination with the labour recruiter, civil society organizations and trade unions, provide supplementary pre-departure training to migrant workers that includes information about their rights and obligations, travel, working and living conditions, and on how to access relevant grievance mechanisms. Additional trainings should be provided upon arrival at the workplace and accommodation. See also [Transparency and access to accurate information](#)
3. In coordination with the labour recruiter, monitor medical service providers in the country of origin (and later in country of destination, if applicable) to ensure any required medical examinations are carried out in accordance with applicable laws and regulations. There should be no pregnancy or human immunodeficiency virus (HIV) tests unless it is required by law.
4. In coordination with the labour recruiter, secure the right type of visa, exit and entry permits for migrant workers prior to their departure.
5. Ensure the labour recruiter promptly returns migrant workers' identity documents upon completion of necessary administrative steps (such as processing visas, permits). Labour recruiters should be required to keep written logs about their handling of migrant workers' personal documents.
6. In coordination with the labour recruiter, make all necessary arrangements for safe travel and lodging for migrant workers from their communities in the country of origin to their accommodation in countries of destination.
7. Determine if labour recruiters followed ethical recruitment principles, by interviewing migrant workers upon their arrival. Where breaches were found, take prompt follow-up action (for instance reimbursement of recruitment fees and costs, corrective action with recruiters). See also [Recruitment fees and related costs](#)
8. Ensure the safe return of all migrant workers who are unable to meet the entry and work requirements of the country of destination or wish to return within the initial period of their employment.

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Stage 2

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 (such as cleaners and security guards). Employers of migrant workers have a responsibility of ensuring decent working conditions as well as covering additional aspects related to migrant worker's life abroad. Depending on the context, this may include but is not limited to providing general support to access services available at the host community, overcoming language barriers and providing adequate accommodation and transport to the worksite.

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2.1 | SAFE, DECENT AND RESPECTFUL WORK ENVIRONMENT



Migrant workers enjoy safe, decent and respectful employment and working conditions

Key actions

1. Provide comprehensive occupational safety and health training to migrant workers in a language they understand, ensure that all relevant instructions are translated and simple to understand and that migrant workers have access to adequate health and safety equipment.
2. Ensure that workplaces follow up-to-date guidance of local health authorities regarding mitigating communicable disease transmission risks in the workplace, including for COVID-19.
3. Make a commitment from the top to demonstrate zero tolerance towards various forms of violence and harassment in the workplace to all employees, including migrant workers and managers, supervisors and business partners. See also [Policy commitment](#), [Equal treatment and opportunity](#)
4. Define all types of behaviour that are considered violence and harassment along with disciplinary rules and procedures in written form, including mechanisms for prompt follow-up and remediation. These rules should include gender-based violence and sexual harassment and apply to situations linked with work, including at workplaces, rest/ meal places, sanitary facilities, during travel/ training, through work-related communication (including social media), at employer-provided accommodation and when commuting to and from work. See also [Remediation](#)
5. Provide regular training to all supervisors, managers and business partners on the principles of a respectful and intercultural work environment.
6. Establish women's committees and safe spaces for women, including women migrant workers, and train professionals to report and investigate cases of gender-based violence and sexual harassment.
7. Support the integration of migrant workers in the workplace and local community (for instance through free language training, social exchanges between all employee groups, and the appointment of trained on-site coordinators who speak the language of both migrant workers and the employer).
8. Respect migrant workers' religious and cultural identities, and make appropriate facilities available for religious observance; enable access to places of worship and meals that conform with religious and cultural requirements.

Overarching principles ➤

Recruitment and deployment ➤

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2.2 | FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING



Migrant workers are free to exercise their right to freedom of association and collective bargaining

Key actions

1. Inform migrant workers of their rights to join or form an association of their choice and right to collective bargaining as per applicable laws. Ensure that migrant workers are not punished, terminated, threatened, intimidated or harassed for joining a union or engaging in union activities.
2. Enable trade unions to directly engage with migrant workers during recruitment (if possible), upon their arrival and during employment without management present.
3. Where applicable laws restrict the right to freedom of association of migrant workers, provide alternative ways to have a meaningful, collective dialogue with migrant workers where they can express their concerns, in accordance with the law. Such alternatives could include the appointment of migrant worker representatives who genuinely represent the migrant workers and their interest. Seeking advice from local specialists on labour laws and industrial relations is recommended.

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2.3 | PAYMENT OF WAGES AND BENEFITS



Migrant workers receive and retain control of fair and regular wages and benefits

Key actions

1. Pay equal wages to migrant and local workers for work of equal value, regardless of gender, age, nationality, migration status or other characteristics.⁶ Wages must meet the legal or industry minimum standards and reflect what is written and agreed to in the employment contract. See also [Equal treatment and opportunity](#)
2. Calculate and communicate wages in a fair and transparent manner so that migrant workers understand how they are paid.
3. Pay migrant workers regularly, on time, and directly to their nominated bank account. This bank account should be in the migrant worker's name and not accessible to the labour recruiter or employer.
4. Only permit wage deductions and in-kind payments that are allowed by law and have the written consent of migrant workers. In-kind payments (for instance accommodation, transport, food) can only make up a small proportion of the overall wages, should be valued at a reasonable market rate and appropriate for the personal use and benefit of migrant workers. See also [Freedom of movement](#), [Living conditions](#)
5. Prohibit the use of wage deductions or monetary fines as disciplinary measures, or as a direct or indirect payment for the purpose of recouping recruitment fees and costs or retaining employment. See also [Recruitment fees and related costs](#)
6. Provide wage advances, loans and saving schemes only if allowed by law and requested by migrant workers.
7. Ensure that all contracts with business partners, including employment agencies and subcontractors, include provisions for paying employees on a regular, timely and fair basis (meeting minimum legal standards) that is consistent with enterprise's policy on payment of wages and benefits.

6. ILO, Equal Remuneration Convention, 1951 (No. 100); Convention No. 111

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2.4 | WORKING HOURS



Migrant workers work voluntarily, in accordance with legal limits on working hours and with sufficient rest time

Key actions

1. Ensure that migrant workers always work on a voluntary basis, within legal limits and in line with international labour standards relating to working hours. No migrant workers are made to work overtime under threat of penalty, dismissal or denunciation to authorities. Overtime cannot be compulsory or used as a disciplinary measure, or for failure to meet production quotas or to earn minimum wage.
2. Provide migrant workers with enough rest time in accordance with applicable laws and relevant international standards. Take extra-preventive measures during peak seasons or times of crisis, particularly in essential sectors.
3. Respect migrant workers' religious and cultural practices and plan for appropriate altered work modes during religious holidays, whenever possible.
4. Provide migrant workers with the same leave entitlements (annual leave, public holidays, sick leave, maternity leave and other types of leave) as local workers.

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2.5 | ACCESS TO PERSONAL DOCUMENTS



Migrant workers have possession and control of their personal documents

Key actions

1. Ensure all migrant workers have possession of their personal documents. Migrant workers must be able to access their personal documents directly and immediately without restrictions.
2. At employer-provided accommodation (such as dormitories), provide migrant workers with an individual and secure place to store their personal documents and valuables.
3. Only request and take possession of migrant worker's original identity documents when required by law for administrative purposes, such as processing residency permits. Return documents immediately to migrant workers when no longer required.
4. Obtain written consent from migrant workers when taking their personal documents and provide migrant workers with a receipt. Keep a written log that clearly outlines the purpose and date when personal identity documents were taken and returned to migrant workers.
5. Ensure that business partners (labour recruiters, accommodation providers, and others) follow the same practices.

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2.6 | FREEDOM OF MOVEMENT



Migrant workers enjoy freedom of movement beyond their workplace and accommodation

Key actions

1. Explain and display the rules for entering and exiting the workplace and employer-provided accommodation in a language understood by migrant workers.
2. Ensure that migrant workers can enter and exit their accommodation freely at any time of the day or night. Their freedom should not be limited by curfews, security guards or the locking of doors, even when done for their perceived safety.
3. Ensure that workplace exits are unlocked, and that security guards and surveillance cameras do not restrict migrant workers' movement. The only exception is for occupational health and safety reasons.
4. Allow migrant workers to choose their own means of transportation between their workplace and accommodation and within the community, except in the case of compelling security reasons. Where migrant workers live or work in remote locations, provide free-of-cost and regular transportation to support commute to and from workplaces, including immediate support during emergencies.
5. In remote locations, provide migrant workers with regular transportation and access to stores, markets and services that are not operated by the employer or any business partners.
6. Ensure any products sold or services provided by employer-operated stores and services are provided at a reasonable price to avoid overcharging of workers as means to recoup wages. Products should be of good quality and based on the needs of migrant workers (such as food preferences).
7. Ensure migrant workers are free to return to their country of origin during periods of annual or personal leave, or if they choose to terminate their employment early. See also [Change of employers](#).

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Employment

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2.7 | LIVING CONDITIONS



Migrant workers have access to adequate, decent and gender-responsive living conditions

Key actions

1. Support migrant workers in voluntarily finding their own accommodation through independent private agencies, public housing schemes or cooperatives. Migrant workers should not be forced to stay in employer-provided accommodation unless it is required by law and except in the case of compelling security reasons.
2. Ensure that migrant workers' accommodation is safe, hygienic, decent and comfortable, and meets all legal requirements, including relating to fire safety. See also [Checklist: Migrant workers' accommodations](#)
3. Provide gender-segregated accommodation and facilities for migrant workers, and ensure that there is adequate personal space and privacy available (for instance, no security cameras at dormitories or sanitary facilities).
4. Provide regular maintenance and on-site monitoring of accommodation that is provided by the employer and other third parties to ensure that the accommodation is clean, decently habitable and maintained in a good state of repair. The results of inspection should be recorded and be available for review.
5. Seek ongoing feedback from migrant workers about the quality of accommodation and how to improve living conditions. Promptly follow up on any difficulties or complaints reported by migrant workers, paying attention to any differences based on gender, age, disability or other characteristics.
6. Take measures to prevent the spread of illness or disease at accommodations including provision of sufficient living space, adequate ventilation and sufficient cooking, waste disposal and water and sanitation facilities, segregated by gender where appropriate. This includes the provision of separate facilities for sick workers and adequate hygienic facilities.

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2.8 | HEALTH CARE AND SOCIAL PROTECTION



Migrant workers have full access to health care and social protection

Key actions

1. Provide migrant workers with the same emergency and preventative health services as local workers as well as access to and provision of health insurance.
2. Provide migrant workers with access to medical services, including mental health and psychosocial support services, and applicable social security schemes and benefits.
3. Pay for the cost of pre-departure, post-arrival and regular medical examinations that are required by law.
4. Grant the same paid sick leave entitlements and occupational protection to migrant workers as local workers in case of illness, pregnancy or to care for dependents, without penalty or dismissal. No migrant worker should be dismissed because of temporary illness.
5. Ensure migrant workers are provided with free access to emergency treatment covered with appropriate compensation in case of occupational accident or injury.
6. Treat women migrant workers who become pregnant with dignity and fairness and provide access to adequate reproductive health services.⁷ If the work entails a significant risk to the health of the mother or her unborn child, take measures to eliminate the risk or to adapt the conditions of work. If this is not possible, transfer to lighter work at no reduction in pay or provide paid leave. No pregnant woman should be dismissed or forced to return to her country of origin unless required by applicable law.
7. Where the return to country of origin of pregnant women migrant workers is a legal requirement, the enterprise should establish a policy and procedures that ensure access to adequate reproductive health services, payment of all outstanding wages and benefits, and safe and dignified return.
8. Provide referrals to psychosocial support and counselling programmes to promote mental health and well-being of migrant workers who may suffer from mental distress and anxiety because of separation from home, family and support networks. Assist migrant workers in maintaining close communication with their families and support networks in the country of origin and destination.

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7. In general, women should not work in hazardous and heavy work that could affect their childbearing and nursing ability. Women should be provided with paid time off for breastfeeding their child.

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Stage 3

RETURN OR ONWARD MIGRATION

Following the completion of their temporary employment in the destination country, migrant workers typically return to their community in the country of origin. Employers are responsible to facilitate the safe return of migrant workers in coordinating with relevant actors, such as labour recruiters and travel agencies. Alternatively, some migrant workers may choose to extend their employment in the country of destination, change their employer or migrate to another country. Employers may also be willing to rehire migrant workers at a later stage or provide referrals of migrant workers to associated companies present in the migrant workers' countries of origin.

Start

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3.1 | CHANGE OF EMPLOYERS



Migrant workers are free to change their employer

Key actions

1. Respect the right of migrant workers to seek employment and change employers at the destination country, or onward migration in accordance with applicable laws and regulations and without restrictions that go beyond the law.
2. Ensure that employment contracts and relevant orientations (during recruitment and employment) include accurate information about the migrant workers' rights to change employers at the destination country in accordance with applicable laws, for instance after the completion of the contract and/ or a given numbers of years.

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3.2 | RETURN TO COUNTRIES OF ORIGIN



Migrant workers return safely to their country of origin or move to another country

Key actions

1. Prior to migrant workers return to their country of origin, pay all outstanding wages, benefits and any other amount that is still owing to migrant workers.
2. In coordination with the labour recruiter, facilitate the safe and orderly return travel of migrant workers to their communities in the country of origin, including any government-required exit or re-entry requirements, and at no cost to migrant workers. See also [Crisis preparedness and management](#)

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3.3 | REINTEGRATION SUPPORT



Migrant workers return to countries of origin well prepared for reintegration into their communities and local labour markets

Key actions

1. Seek feedback from migrant workers about their possible interest and availability to be re hired in the future (subject to satisfactory performance).
2. Coordinate with the relevant consular services of countries of origin to provide migrant workers with information about return and gender-responsive reintegration support services.
3. Collaborate with civil society organizations, trade unions, and/or labour recruiters to provide training (financial literacy, skills development, labour market information, migration options, counselling services) to migrant workers while they are still at the workplace to prepare them for their return and reintegration, or onward migration.
4. Provide migrant workers with documentation that recognizes the skills and competencies they have developed during their employment.

PART 4

SUPPORTING TOOLS

[Open Section](#)

Women working on SodaStream devices at the SodaStream factory in Israel. © Remy Gieling 2020/Unsplash

SUPPORTING TOOLS

This section provides tools, including checklists, guidance notes and other useful documents, to help employers develop and implement the system, principles and practices to manage the labour migration process.



Each tool will open in an external PDF

SUMMARY: COMMON CHALLENGES AND RISKS EXPERIENCED BY MIGRANT WORKERS AT ALL STAGES OF LABOUR MIGRATION

This overview follows the labour migration process outlined in this document. In line with the steps outlined in the component on human rights due diligence, this overview is designed to support the employer's risks identification and assessment process. Part 3 of this guidance on managing the labour migration process will support the employer in identifying practical steps to address these common challenges and risks experienced by migrant workers.

CHECKLIST: LABOUR RECRUITER SERVICE AGREEMENTS

This non-exhaustive checklist outlines key provisions that employers can use in their service agreements with labour recruiters.

GUIDANCE NOTE: RECRUITMENT FEES AND RELATED COSTS

This guidance note supports employers of migrant workers in understanding ILO's definition of recruitment fees and related costs, identifying potential recruitment fees and related costs that may be incurred during the labour migration process and determining a transparent and sustainable price for recruitment with labour recruiters.

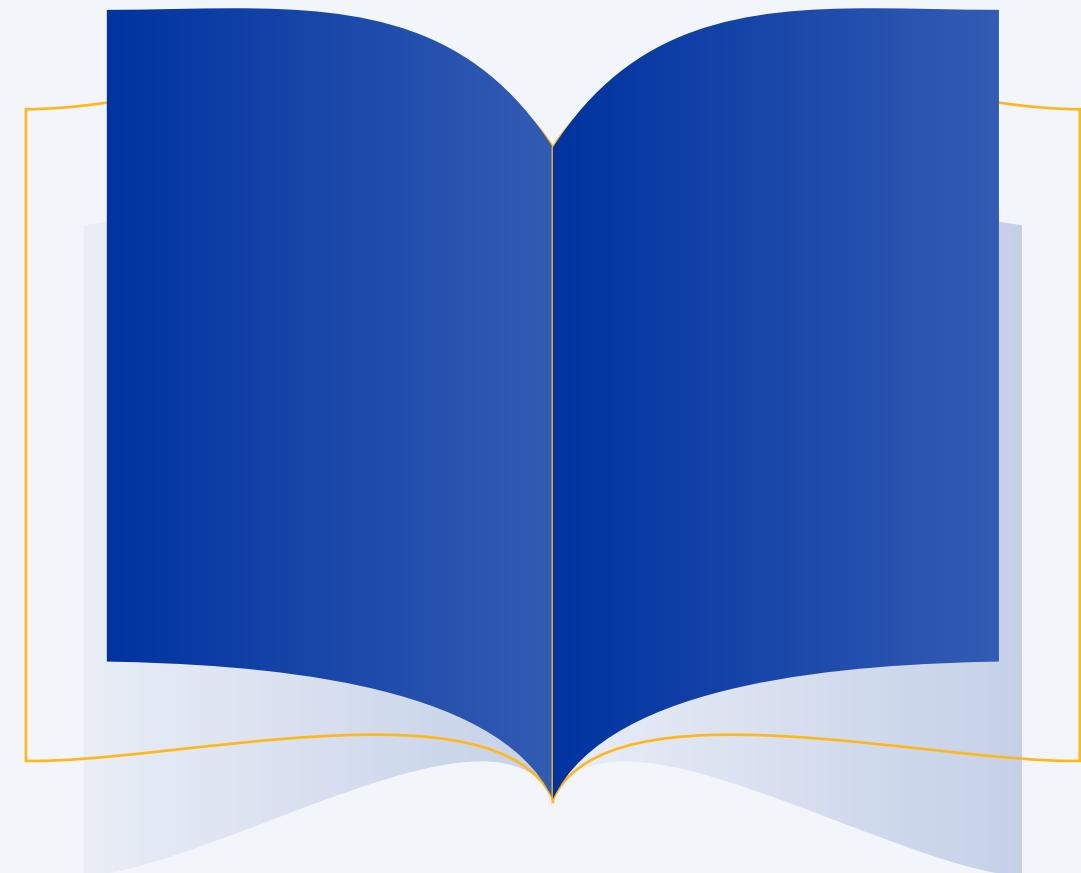
CHECKLIST: EMPLOYMENT CONTRACTS

This non-exhaustive checklist provides employers with practical guidance on preparing, signing and handling employment contracts with migrant workers and on employment contract provisions.

CHECKLIST: MIGRANT WORKERS' ACCOMMODATIONS

This checklist outlines key requirements for employers to provide adequate, decent and gender-responsive living conditions for migrant workers in employer-owned or -operated accommodation and standards for spacing at workers' accommodation.

ADDITIONAL RESOURCES

[Open Section](#)

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INTERNATIONAL GUIDANCE ON SAFE, ORDERLY AND REGULAR MIGRATION

[International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)
[Global Compact for Safe, Orderly and Regular Migration](#)
[ILO Migration for Employment Convention, \(No.97\), 1949](#)
[ILO Migrant Workers \(Supplementary Provisions\) Convention, \(No.143\), 1975](#)
[ILO Multilateral Framework on Labour Migration \(2006\)](#)

OVERVIEW OF KEY INTERNATIONAL HUMAN RIGHTS AND LABOUR STANDARDS

[UN Universal Declaration of Human Rights](#)
[OHCHR Core International Human Rights Instruments](#)
[ILO International Labour Standards](#)

INTERNATIONAL GUIDANCE ON BUSINESS AND HUMAN RIGHTS

[UN Guiding Principles on Business and Human Rights](#)
[ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#)
[OECD Guidelines for Multinational Enterprises](#)

ETHICAL, FAIR AND RESPONSIBLE RECRUITMENT

[ILO Private Employment Agencies Convention \(No. 181\), 1997](#)
[ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Costs](#)
[IOM Montreal Recommendations on Recruitment](#)
[IOM IRIS Standard on Ethical Recruitment](#)

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SPECIAL GUIDANCE FOR BUSINESS ENTERPRISES

Policy commitment

[UN Global Compact Guide on How to Develop a Human Rights Policy](#)

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

[HP Supply Chain Foreign Migrant Worker Standard](#)

[adidas Employment Guidelines \(revised 2020\)](#)

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

[IFC Environmental and Social Management System Toolkit](#)

Human rights due diligence

[OECD Due Diligence Guidance for Responsible Business Conduct](#)

[Forthcoming] [IOM Ethical Recruitment Toolkit \(2021\)](#)

[Verité Fair Hiring Toolkit](#)

[Danish Institute for Human Rights Human rights impact assessment guidance and toolbox](#)

[Sedex Guidance on Operational Practice & Indicators of Forced Labour](#)

[UN Guiding Principles Reporting Framework](#)

Remediation

[IOM Operational Guidelines for Businesses on Remediation of Migrant Workers Grievance](#)

[IOM Remediation Guidelines for Victims of Exploitation in Extended Mineral Supply Chains](#)

[Shift Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights](#)

[ETI Access to Remedy - Practical Guidance for Companies](#)

[Impactt Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs](#)

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SPECIAL GUIDANCE FOR BUSINESS ENTERPRISES

Engagement with migrant workers

[IOM Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#)

Labour standards

[ILO Helpdesk for Business on International Labour Standards](#)

[IFC Measure and Improve your Labour Standards Performance](#)

Recruitment and deployment

[IHRB Six Steps to Responsible Recruitment](#)

[IHRB Remediating Worker-Paid Recruitment Fees](#)

[Interfaith Center for Corporate Responsibility: Best Practice Guidance on Ethical Recruitment of Migrant Workers](#)

Gender

[UN Women Gender-responsive Guidance on Employment Contracts](#)

[Empowering Women Migrant Workers from South Asia: Toolkit for Gender-Responsive Employment and Recruitment](#)

[IOM Addressing Women Migrant Workers' Vulnerabilities in International Supply Chains](#)

Sector specific guidance

[ILO and IHRB Promoting Fair Recruitment and Employment: Guidance Note for Hotels in Qatar](#)

[Verité Toolkit for Palm Oil Producers on Labor Rights](#)

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SPECIAL GUIDANCE FOR BUSINESS ENTERPRISES

Tools for labour recruiters

[IOM Guidelines for Labour Recruiters on Ethical Recruitment, Decent Work and Access to Remedy for Migrant Domestic Workers](#)

[UN Women Gender-responsive Self-Assessment Tool for Recruitment Agencies](#)

COVID-19

[ILO COVID-19 and the World of Work](#)

[COVID-19: Guidance for employers and business to enhance migrant worker protection during the current health crisis \(Version 2\)](#)

[COVID-19: Guidance for labour recruiters to enhance migrant worker protection during the current health crisis \(Version 1\)](#)

[Verité COVID-19 and Vulnerability to Human Trafficking for Forced Labor](#)

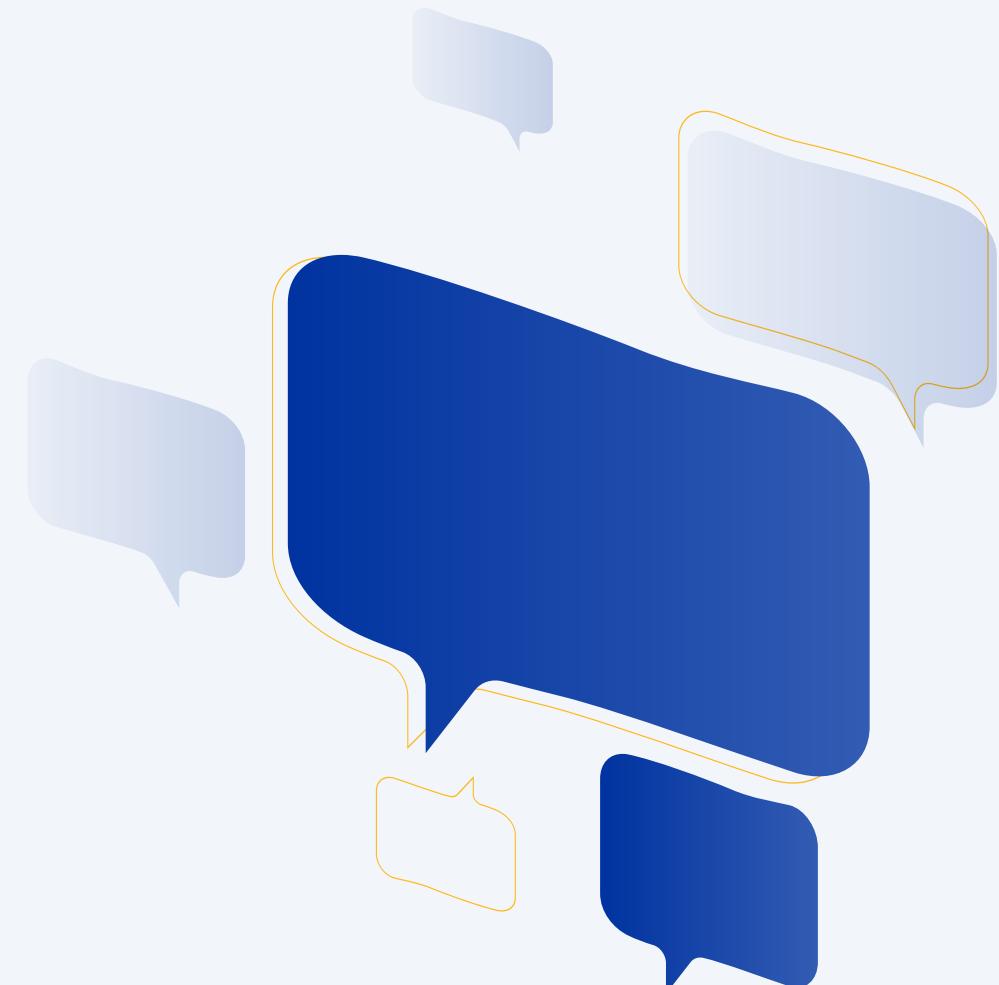
Benchmarking tools and reports

[KnowTheChain](#)

[Corporate Human Rights Benchmark](#)

TERMINOLOGY⁸

[Open Section](#)



8. IOM, [Glossary on Migration](#) (Geneva, 2019). Unless otherwise noted, definitions given in this section are drawn from this Glossary.

Business partners: entities with which a business enterprise has some form of direct and formal engagement.

Country of destination: the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly.

Country of origin: 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.

Debt bondage: the status or condition arising from a pledge by a debtor of their personal services or those of a person under their 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.⁹

Discrimination: any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, 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.

Due diligence: 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.¹⁰

Exploitation: the act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit.

Employment agency: 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.¹¹

Employer: a person or an entity that engages employees or workers, either directly or indirectly.¹²

Forced labour: work or service which is exacted from any persons under the menace of any penalty and for which the said persons have not offered themselves voluntarily.¹³

Grievance: 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.¹⁴

Grievance mechanism: any routinized, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuse can be raised and remedy can be sought.¹⁵

Irregular migration: Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

Labour migration: movement of persons from one State to another, or within their own country of residence, for the purpose of employment.

Labour recruiter: any natural or legal person who performs a licensed recruitment function, including recruitment agents and employment agents.¹⁶

9. IOM Glossary on Migration; Adapted from the [United Nations Supplementary Convention on the Abolition of Slavery](#), the Slave Trade and Abolition of Practices Similar to Slavery (266 UNTS 3, adopted 30 April 1956, entered into force 30 April 1957), art. 1(a).

10. United Nations Guiding Principles Reporting Framework, [summarizing the United Nations Guiding Principles on Business and Human Rights](#).

11. [IRIS Standard](#).

12. ILO, [General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs](#) (Geneva, 2019).

13. 4 ILO, [CO29 – Forced Labour Convention](#) (39 UNTS 55, 1930), art. 2(1).

14. United Nations, [Guiding Principles on Business and Human Rights](#) (2011).

15. *Ibid.*

16. [IRIS Standard](#).

Management system: A management system is the way an organization manages the different, interrelated parts of its business in order to meet its objectives. For the purpose of this document, a simple management systems framework consists of five elements: (1) policies, procedures and processes; (2) communication and information management; (3) skills and training; (4) monitoring or measuring; and (5) governance (senior leadership buy-in), incentives and continuous improvement.

Migrant worker: a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which that person is not a national.

Migration: the movement of persons away from their place of usual residence, either across an international border or within a State.¹⁷

Pre-departure orientation programmes: courses designed to help prospective migrants acquire the knowledge, skills and attitudes needed to facilitate their integration into the country of destination. They also address expectations and provide a safe environment in which to answer migrants' questions and concerns.

Recruitment: includes the advertising, information dissemination, selection, transport, placement into employment and, for migrant workers, return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship.¹⁸

Recruitment fees and related costs: any fees or costs incurred in the recruitment process for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.¹⁹

Reintegration: a process that enables individuals to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life.

Remedy: the (legal) processes aimed at redressing the violation of a right, as well as the substantive outcome of such a process.

Remediation: 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.²⁰

Subagent: informal and unlicensed individual agents who, working in usually loose partnerships with labour recruiters, are often the first point of contact for individuals seeking foreign employment. Subagents charge fees for their services, which distinguishes them from other individuals within "social networks" that facilitate migration without charging fees.²¹

Subcontractor: 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.²²

Violence and harassment: a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and include gender-based violence and harassment; gender-based violence and harassment means 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.²³

17. United Nations, [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) (2220 UNTS 3, adopted 18 December 1990, entered into force 1 July 2003), art. 2(1)

18. ILO, [General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs](#) (Geneva, 2019)

19. Ibid.

20. United Nations, [Guiding Principles on Business and Human Rights](#) (2011).

21. [IRIS Standard](#).

22. Ibid.

23. ILO, [CO 190 Violence and Harassment Convention](#) (2019); art.1.

MIGRANT WORKER GUIDELINES FOR EMPLOYERS

Promoting Respect for the Human and Labour Rights of Migrant Workers
through Ethical Recruitment and Deployment, Responsible Employment
and Safe Return