

Tackling modern slavery in PPE supply chains:

A practical guide for public bodies
Tools and further guidance



APRIL 2021

ACKNOWLEDGEMENT

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This document provides supplementary tools and further guidance for PPE procurers. Please refer to the main guidance document for more information.

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info@impacttlimited.com

1 Ergon Associates (2018) Managing Risks Associated with Modern Slavery, <https://ergonassociates.net/wp-content/uploads/2018/12/Managing-Risks-Associated-with-Modern-Slavery.pdf>

Government Commercial Function (2019) Tackling Modern Slavery in Government Supply Chains, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830150/September_2019_Modern_Slavery_Guidance.pdf

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Resource 1: Identifying Forced Labour Indicators

This below table provides definitions for each of the 11 FLIs, reported examples in the PPE context, and questions that the procurement team can ask their tenderers / suppliers to identify whether there is a risk of forced labour within the supply chain.

11 Forced Labour Indicators

- | | |
|------------------------------------|---|
| 1. Abuse of vulnerability | 7. Intimidation and threats |
| 2. Deception | 8. Withholding of wages |
| 3. Restricted freedom of movement | 9. Debt bondage |
| 4. Retention of identity documents | 10. Abusive working and living conditions |
| 5. Isolation | 11. Excessive overtime |
| 6. Physical and sexual violence | |

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
This column highlights information about each ILO FL indicator.	This column provides a fictional mini-case study of situations where the FLI was present in a PPE supply chain	The questions listed in this column can help to identify whether the tenderer / supplier may be exposed to forced labour risk. Carry out or commission an in-depth assessment where risks are identified.

1. ABUSE OF VULNERABILITY

<p>Abuse of vulnerability is more likely to occur if you have a workforce with any of the following characteristics. People who:</p> <ul style="list-style-type: none"> • lack knowledge of the local language or laws. • have few livelihood options. 	<p>A PPE factory employs a majority migrant workforce, including a large number of workers from Bangladesh and Nepal, and a small number from Vietnam. While the Bangladeshi and Nepalese workers are relatively well organised because of their large numbers and have established channels of communication with</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • employ workers with any of the common characteristics of vulnerability listed? • ask/allow workers to work hours in excess of the local law and/or international standards, because you believe they want to earn more money?
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“ Hire interpreters to communicate with workers from minority groups.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
<p>1. ABUSE OF VULNERABILITY (CONTINUED)</p>		
<ul style="list-style-type: none"> belong to a minority religious or ethnic group. have a disability. have other characteristics that set them apart from the majority population. have multiple dependency on the employer, such as when the worker depends on the employer not only for his or her job but also for housing, food and for work for his or her relatives. <p>The mere fact of being in a vulnerable position, for example, lacking alternative livelihood options, does not necessarily lead a person into forced labour. It is when an employer takes advantage of a worker’s vulnerable position, that a forced labour situation may arise.</p>	<p>management through interpreters, this is not the case for the Vietnamese workers, who:</p> <ul style="list-style-type: none"> don’t understand the terms of their employment, applicable employment law, or their rights. do not speak the language and do not have access to any interpreters on site. live in separate, unsuitable accommodations just above the factory. paid high recruitment fees and took on debts to pay them. <p>An external audit reveals that these workers want to leave their job and their poor living conditions but feel that they cannot because they are unable to communicate and have no access to grievance channels.</p> <p>In this case study example, the fact that the Vietnamese workers cannot communicate with their employer, lack knowledge about their rights, and are part of minority group isolated from the rest of the workforce renders them especially vulnerable to abuse. This situation constitutes an indicator of forced labour that may point to the existence of forced labour when taken together with other indicators.</p>	<ul style="list-style-type: none"> provide workers financial incentives such as attendance bonuses to encourage them to work in excess of their regular working hours? believe workers of certain nationalities may be pressured into working excessive hours due to their inability to communicate? make it a requirement that workers stay in company-provided accommodations and use company-operated canteens? not offer certain nationalities the same accommodations or amenities as others (e.g. not providing workers with a bed) because of perceived cultural differences or preferences (e.g. wanting to sleep on the floor). <p>Reflect</p> <p>Does the tenderer / supplier take advantage of workers’ vulnerability in any way? If so, they should take steps to remove those vulnerabilities, e.g. hire interpreters to communicate with workers from minority groups, stop providing incentives to workers to work in excess of the law, etc.</p>



“ If your organisation lacks visibility of your recruitment supply chain, and how agencies promote jobs to workers, you are at risk of having a deceptive recruitment process.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
<p>2. DECEPTION</p>		
<p>Deception relates to the failure to deliver what has been promised to the worker, either verbally or in writing. Victims of forced labour are often recruited with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialize, and workers find themselves trapped in abusive conditions without the ability to escape. In these cases, workers have not given free and informed consent. Had they known the reality, they would never have accepted the job offer. Deceptive recruitment practices can include:</p> <ul style="list-style-type: none"> • false promises regarding working conditions and wages • type of work • housing and living conditions • acquisition of regular migration status • job location • the identity of the employer. 	<p>A company recruits migrant workers from Pakistan, using two recruitment agencies, one in the production country, and another in Pakistan.</p> <p>The company HR tells the recruitment agency about the job offer, and the terms and conditions of the job, but other than this, the company doesn't engage in any due diligence to check how these agencies are carrying out the request. When the workers arrive at the production site, the company finds out that they were promised work in an entirely different sector, and at much higher wages than the company can offer.</p> <p>This example offers a clear case of workers having been deceived about their employment conditions. If in addition to this, it is found that their freedom to leave their employer is restricted in any way (e.g. because of the debt accrued through the recruitment process), then they would be in a situation of forced labour.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • recruit migrant workers? • use recruitment agencies to recruit workers (including local workers)? • have measures in place to ensure that recruitment agencies provide pre-departure orientation and training to workers, and check the quality of information provided? • have oversight over what information is provided to workers through various stages of the recruitment process? • provide migrant workers with contracts in their own language? • have clear visibility of your recruitment supply chain and how recruitment agencies promote jobs to workers? <p>Reflect</p> <p>If the tenderer / supplier lacks visibility of their recruitment supply chain, and how agencies promote jobs to workers, they are at risk of having a deceptive recruitment process. They should spend time speaking to workers and your agency partners to get a better understanding of what happens during the recruitment process. If possible, commission an assessment to gather detailed insights into where recruitment and deception-related risks exist, and how to address them.</p>

“ Workers freedom of movement is restricted when they are locked up and guarded to prevent them from escaping, at work or while being transported.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
3. RESTRICTED FREEDOM OF MOVEMENT		
<p>Workers freedom of movement is restricted when they are:</p> <ul style="list-style-type: none"> not free to enter and exit the work premises, accommodation, or transport. locked up and guarded to prevent them from escaping, at work or while being transported. have their movements controlled inside the workplace, through the use of surveillance cameras or guards, and outside the workplace by agents of their employer. <p>Legitimate restrictions might include:</p> <ul style="list-style-type: none"> restricted freedom of movement/access to certain areas to help protect workers’ safety and security in hazardous work sites. the need to request prior permission of the supervisor to attend a medical appointment. 	<p>A PPE warehouse based in the UK uses agency workers/sub-contracted workers to perform certain duties, such as cleaning the company premises. The agency workers are from Bulgaria, and every day they are brought to the company premises in a mini bus by their agent. The workers seem intimidated, and don’t talk much. After work, the agent picks them up again in the same mini bus. When the company decides to investigate further, it is found out that the agent takes workers to and from their accommodation and place of work and does not allow them to leave at any point in between.</p> <p>The situation described above presents a strong indicator of forced labour as the workers are effectively restricted in their ability to freely leave their accommodation or place of work, and their movements are controlled by their agent.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> restrict workers from leaving the work premises, accommodation or transport in any way? For example: <ul style="list-style-type: none"> requiring workers to get a special “exit pass” to leave the building? locking accommodation gates at night? locking workers in at the workplace during work (for whatever reason)? imposing curfew – e.g. workers are not allowed to leave accommodation after 10pm (even if this is for safety reasons)? holding workers passports or other documents?

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
3. RESTRICTED FREEDOM OF MOVEMENT (CONTINUED)		
		<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • impose certain conditions on workers resigning or returning home for annual leave by: <ul style="list-style-type: none"> - requiring workers to pay any fees/ penalties if they terminate their contract early? - requiring workers to pay a deposit before they take annual leave? • use surveillance techniques, for example: <ul style="list-style-type: none"> - use surveillance cameras to monitor workers movements and prevent them from leaving? - use security guards to reprimand workers if they break the rules? - require an agent or other supervisor to accompany workers at all times? <p>Reflect</p> <p>Do the tenderer / supplier restrict workers' freedom of movement in any way? If yes, carry out a full review to ensure these restrictions do not constitute forced labour.</p>

GOOD INTENTIONS OR POTENTIAL FORCED LABOUR RISK?

Restricting workers' ability to leave employer-provided accommodation during the Covid-19 pandemic in order to prevent the spread of the virus, while well-intentioned, must be closely monitored in order to avoid becoming a forced-labour practice, especially over long periods of time.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
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4. RETENTION OF IDENTITY DOCUMENTS

<p>The retention by the employer of identity documents or other valuable personal possessions is an element of forced labour if workers:</p> <ul style="list-style-type: none"> • are unable to access these items on demand • feel that they cannot leave the job without risking their loss. <p>In many cases, without identity documents, the worker will not be able to obtain other jobs or access essential services and may be afraid to ask for help from authorities or NGOs.</p>	<p>A company provides all workers with lockers at the factory premises. Workers are required to keep their passports at the factory locker for safe keeping. Workers have a key but can't access these lockers without permission from a security guard.</p> <p>Retaining workers' identity documents does not, of itself, constitute forced labour. In this case, however, requiring workers to ask permission from a security guard means that many workers will not feel comfortable doing so in practice. This hinders their ability to access their documents immediately and in an unrestricted manner. As such, this practice may constitute an indicator of forced labour.</p>	<p>Does your tenderer / supplier:</p> <ul style="list-style-type: none"> • have control over workers' passports or other documents, in any way? Remember this can include: <ul style="list-style-type: none"> - keeping workers' documents at your offices - providing workers with lockers to keep their passports in but restricting access to those lockers. - holding other documents (e.g. birth certificates, land deeds, etc.) as collateral, to be returned to workers when they pay off recruitment debts or complete other requirements. This practice is commonly used by recruitment agencies in certain countries to ensure workers pay them recruitment fees.
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GOOD INTENTIONS OR POTENTIAL FORCED LABOUR RISK?

From a company perspective, it is often in the interest of both the company and the worker for passports to be kept by management for security reasons. Workers may even ask the company to keep their passport for them, because they are worried that it will be stolen. Fundamentally, this often relates to a lack of security perceived by workers. Instead of keeping workers' passports, employers should provide workers with safe storage at their accommodation, which they can freely access at all times.

Reflect

If the tenderer / supplier controls workers' access to their passports in any way, this violates numerous international labour standards. For example, the Dhaka Principles, which require that "no migrant workers' passports or identity documents are retained". In combination with other factors, this practice may indicate forced labour. Make sure that workers are provided with a safe and secure place to store their documents and have access to them at all times.



“ Victims of forced labour are often isolated in remote locations and denied contact with the outside world.

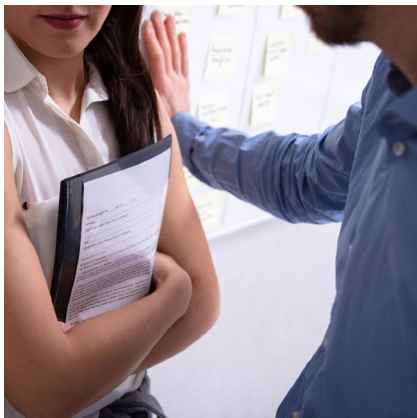
What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
5. ISOLATION		
<p>Victims of forced labour are often isolated in remote locations, denied contact with the outside world. Indicators of isolation may be present if:</p> <ul style="list-style-type: none"> workers don't know where they are the worksite is far from habitation and there is no means of transportation available. workers are kept behind closed doors workers have their mobile phones or other means of communication confiscated business premises are informal and not registered, making it very difficult for law enforcement or other agencies to locate the business and monitor what is happening to the workers. 	<p>A PPE factory is located in a remote, difficult to access area that employs a small foreign workforce from a neighbouring country. The workers have been sent by their government to work at the factory. Government minders monitor and control the workers' movements and communications and they live in a separate accommodation that is isolated from the majority of the workforce. In addition, these workers do not speak the local language.</p> <p>In this example, the fact that the workers are far from habitation, cannot communicate with the outside world, are under surveillance, and are kept separate from other workers constitutes a strong indicator of 'isolation'.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> have factories or accommodation facilities that place workers in a remote location, far from habitation? provide dormitories for members of an ethnic minority or minority migrant workforce that is separate from the majority of the workforce? provide interpreters on site for workers that do not speak the local language so that they can communicate any questions or concerns? impose any restrictions on workers that may isolate them? <p>Reflect</p> <p>When employing and housing a minority migrant workforce, companies may keep the workers separate from the rest of the majority workforce for their own comfort. However, it is important to ensure that this does not inadvertently contribute to the isolation of these workers.</p>

“ Look for any imbalances in power or vulnerabilities at the workplace that might make physical or sexual violence more likely to occur

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
<p>6. PHYSICAL AND SEXUAL VIOLENCE</p>		
<p>Forced labourers, their family members and close associates may be subjected to actual physical or sexual violence. This may include:</p> <ul style="list-style-type: none"> • violence to force a worker to undertake tasks that were not part of the initial agreement. • forcing workers to take drugs or alcohol to have greater control over them. • physical abduction or kidnapping to take a person captive and then force them to work. 	<p>Physical violence: A worker is regularly slapped by his supervisor at work, often for small reasons like not being able to complete targets. In addition, the workers supervisor waits for him off company premises after work, and beats him, telling him that if he tells anyone, or complains to management, he will injure him badly. The worker is scared to say anything and scared to lose his job.</p> <p>This situation is a strong indicator of forced labour, as the worker is working under conditions of fear, physical violence, and coercion.</p> <p>Sexual violence: A worker is told by his supervisor that he will lose his job if he does not have a sexual relationship with him. When the worker agrees, he is treated well by the supervisor and given money. When the worker refuses, the supervisor becomes aggressive, verbally abuses him and puts him under pressure at work.</p> <p>The above situation is a clear indicator of sexual violence as the worker has been coerced to engaged in a sexual relationship against his will.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • have any awareness of instances of physical and sexual violence at the workplace? • create or contribute to any environments which might make it easier for physical/sexual violence to occur? For example, this might include not segregating accommodation between men and women, or applying intense pressure on supervisors to meet targets, thereby creating an environment more conducive to violence. • have a policy or code of conduct in place on physical abuse and sexual harassment? • provide trainings to workers and staff on such policies and codes of conduct? • provide grievance channels to workers in their native language and encourage them to speak up about all issues, including sensitive ones like sexual violence? <p>Reflect</p> <p>Review the policies and practices the tenderer / supplier has to prevent physical and sexual violence. Look for any imbalances in power or vulnerabilities at the workplace that might make physical or sexual violence more likely to occur and implement solutions.</p>

“ Proactively train your workers to recognise intimidation and make sure they feel confident to report them

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
7. INTIMIDATION AND THREATS		
<p>Victims of forced labour may suffer intimidation and threats when they complain about their conditions or wish to quit their jobs. Workers may be threatened with:</p> <ul style="list-style-type: none"> • physical violence. • denunciation to the immigration authorities. • loss of wages or access to housing or land. • sacking of family members. • further worsening of working conditions. • withdrawal of “privileges” such as the right to leave the workplace. <p>Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.</p>	<p>A worker complains that he and his colleagues are being threatened by a supervisor. The supervisor forces them to give her money every week. He reports that the supervisor only behaves well with workers who give her money and will verbally harass those that do not and make them change to more difficult work lines frequently. The worker indicates that some of his colleagues are giving money to her in secret to avoid being pressured and harassed by her.</p> <p>The above case of extortion constitutes a strong indicator of ‘intimidation and threats’ as the workers who do not comply with the supervisors’ demands face verbal harassment and a deterioration of their working conditions. The added verbal harassment constitutes a form of psychological coercion, designed to increase their sense of vulnerability.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • have instances of verbal harassment and workplace bullying identified? <ul style="list-style-type: none"> - If so, what were the root causes of this behaviour? - aware of any intimidation practices by recruitment agencies? - for example, threats to workers and their families’ safety if they do not pay recruitment fees. - forcing workers to record video testimonials stating they have not paid fees. - threatening workers that they will lose the job if they report any abuses. • have a policy or code of conduct in place on verbal harassment and workplace bullying? • provide trainings to workers and staff on such policies and codes of conduct? • provide trusted grievance channels (i.e. not linked to potential perpetrators) to workers in their native language and encourage them to speak up? <p>Reflect</p> <p>Practices related to worker intimidation can often be hidden and difficult to identify. The tenderer / supplier should spend time talking to workers in a confidential environment to understand whether any intimidation is taking place – either during recruitment or at the workplace. They should also proactively train their workers to recognise intimidation and feel confident to report them. Where intimidation practices are identified, they should take disciplinary action against the relevant perpetrators and ensure workers are protected from further harm.</p>



“ Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
8. WITHHOLDING WAGES		
<p>When wages are systematically and deliberately withheld to compel the worker to remain and deny him or her of the opportunity to change employer, this points to forced labour.</p>	<p>A facility has a policy that requires its workers to provide advance notice in case of resignation. The policy also states that if the worker resigns before the mandatory notice period, the company will deduct a certain percentage of his or her wages. An internal audit has been commissioned to dig deeper into the issue following allegations of wage theft, and it is discovered that these deductions exceed that which is allowed by national law.</p> <p>Penalties imposed on workers for failure to respect resignation notices may be permitted by national law. However, the situation above constitutes an indicator of ‘withholding of wages’ as the wage deductions exceed what is permissible by law and effectively restrict the workers’ ability to leave employment.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • make any deductions to workers pay? If yes, what are these deductions for? Are they legal deductions that are properly explained to workers and documented clearly on payslips? • withhold wage payments until workers complete certain tasks? (e.g. until workers pay for a damaged mattress at the accommodation, or until they complete a certain target?) • make incomplete or incorrect payments (e.g. workers are paid a regular rate for work on a rest day, which should be paid at least double the rate?) • impose financial penalties on workers for breaking any rules? • experience issues in paying workers regularly or on time? • hold worker deposits, for whatever purpose? • provide any loans to workers? If so, are the terms clear to workers and fair? <p>Reflect</p> <p>The tenderers / suppliers should have a full understanding of all systematised deductions made from worker salaries and whether these are permitted by national laws. A lack of visibility or oversight over what kind of salary deductions are made can result in legitimate deductions being misconstrued as indicators of forced labour, especially in the case of migrant workers. Where withholding of wages is discovered, make sure that all affected workers are provided with back-pay immediately. This should cover all outstanding wages or other types of money withheld, dating back to the start of their employment.</p>

“ Unlike an ordinary loan from a bank or independent lender, debt bondage has the effect of binding the worker to the employer for an unspecified period of time.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
<p>9. DEBT BONDAGE</p>		
<p>Forced labourers are often working in an attempt to pay off an incurred debt, which can arise from:</p> <ul style="list-style-type: none"> • wage advances or loans to cover recruitment or transport costs • daily living or emergency expenses, such as medical costs <p>Employers or recruiters may make it difficult for workers to escape from the debt, e.g. by:</p> <ul style="list-style-type: none"> • undervaluing the work performed • inflating interest rates or charges for food and housing. <p>Unlike an ordinary loan from a bank or independent lender, debt bondage has the effect of binding the worker to the employer for an unspecified period of time.</p>	<p>Through an internal audit a company discovered that interviewed workers across all nationalities reported paying recruitment fees as part of their recruitment journey in their home country. The findings are in clear violation of the company’s zero-recruitment fee policy. For some nationalities, the average recruitment fees paid by workers represent up to two years of salary.</p> <p>Even when they are technically legal in migrant workers’ home countries, large recruitment fees can lead to debt bondage as they require migrants to set aside a significant portion of their small salary to repay high-interest loans taken out to repay the debt. This can in turn cause workers to remain with an abusive employer because they feel that they have no choice but to repay their debt.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • have commitment to the <u>Employer Pays Principle</u> integrated in their policies and contracts? • have due diligence procedures in place to ensure that the policy is being implemented by the company and its suppliers? • know whether migrant workers at the factories have paid fees to recruitment agencies in the sending or receiving country? • if yes, how much each nationality paid on average and what these fees cover? • have a remediation policy in place for workers found to have been victims of debt bondage? <p>Reflect</p> <p>Some companies and their suppliers may not feel responsible for the exorbitant fees that may be charged to migrant workers by external third-party recruitment agencies during the recruitment journey. However, it is important for companies and their supply chain partners to understand that such fees put their migrant workforce at increased risk of debt bondage, a strong indicator of forced labour.</p>

“ Abusive conditions alone do not prove the existence of forced labour but should represent an “alert” to the possible existence of coercion that is preventing the exploited workers from leaving the job.

What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
<p>10. ABUSIVE WORKING AND LIVING CONDITIONS</p>		
<p>Abusive working and living conditions include:</p> <ul style="list-style-type: none"> work performed under conditions that are degrading (humiliating or dirty), hazardous (difficult or dangerous without adequate protective gear) and in severe breach of labour law. substandard living conditions, that are overcrowded and unhealthy without any privacy. <p>*Abusive conditions alone do not prove the existence of forced labour but should represent an “alert” to the possible existence of coercion that is preventing the exploited workers from leaving the job.</p>	<p>A company is planning to onboard a new PPE supplier and went to visit the facilities and accommodation for the first time. During the site and accommodation walk around, you noticed there are a lot of cigarette butts lying around the facility, and you also identified that the workers accommodation is above the factory (i.e. in the same building). You estimated over 100 workers are living on the same floor, and the living environment is very overcrowded, unhygienic, and congested. There are only two toilets available for workers to use, and two or three workers have to share one bed. The workers live and cook in the same space.</p> <p>The above illustrates what a degrading and hazardous environment could look like, with cigarette butts posing a fire risk, and workers living in substandard and dehumanising conditions.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> provide accommodation for workers? Or work with sub-contracted companies that do? <ul style="list-style-type: none"> if yes, are they aware of relevant standards, such as how many workers are allowed per room, and the ratio of toilets per workers that should be provided? have any recent accommodation inspections discovered overcrowded, unsanitary or unsuitable premises? have any issues supplying workers with appropriate PPE? have issues related to health and safety? How many workplace accidents occurred in the past year? Has sufficient remedy and compensation been provided to workers? <p>Reflect</p> <p>Are the working and living conditions they provide to workers acceptable? If not, they should take steps to make improvements.</p>

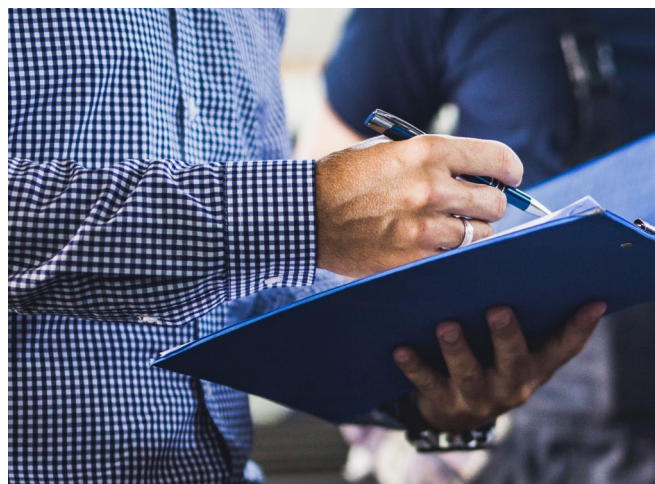
“ Forced labourers may be obliged to work excessive hours or days beyond the limits prescribed by national law.

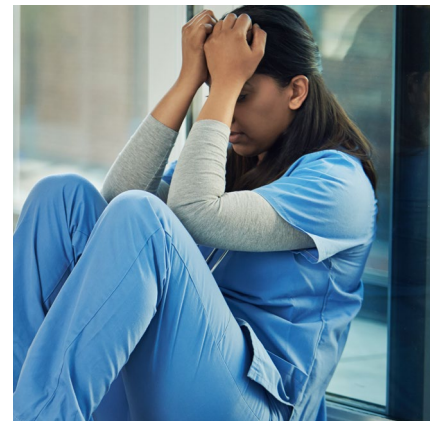
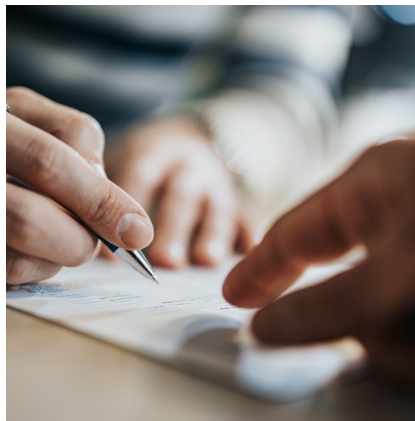
What is it?	Reported examples in the PPE context	Check the risk to the tenderer / supplier and workers
11. EXCESSIVE OVERTIME		
<p>Forced labourers may be obliged to work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or by being on call 24 hours a day, 7 days a week.</p>	<p>An internal audit has found that workers in a factory have been working more than 2 consecutive weeks without a rest day during the past 3 months. An investigation discovers that workers have been encouraged to work on their rest days to earn more money as part of a volunteer program to ramp up PPE production in the context of a Covid-19 related CSR initiative. In addition, it was found that workers transitioning from day to night shifts over the course of the same day often end up working over the legal limit over a 24-hour period.</p> <p>It is important to note that the presence of overtime does not constitute an indicator of forced labour as long as it is within the limits permitted by legislation or collective agreements. However, the instances described in the example above constitute ‘excessive overtime’ as the hours or days worked were found are in excess of those prescribed by national law.</p>	<p>Does the tenderer / supplier:</p> <ul style="list-style-type: none"> • require workers, including migrant workers, to work more overtime than allowed by national law, e.g. in the context of a Covid-19 PPE production program or schemes? • push or encourage workers to work overtime against their will? (e.g. through subtle pressure from supervisors when targets have not been met) • punish workers for refusing overtime? (e.g. by not allowing them to work overtime in the following months) • provide financial incentives to workers to get them to work in excess of their regular working hours? • regularly allow or request workers to work on their rest day? <p>Reflect</p> <p>Companies should respect national legislation and international standards on maximum working hours and ensure that their practices do not encourage workers to work beyond the legally permissible limits.</p>

GOOD INTENTIONS OR POTENTIAL FORCED LABOUR RISK?

It is common for local laws to allow a higher number of working hours than permitted by international standards. In addition, employers report that workers want to work as much overtime as possible, and that companies risk losing workers if they are unable to offer as much overtime as their competitors. However, companies must remember that:

- Workers' eagerness to work overtime is often due to their need to supplement their low wages.
- Working in excess of set limits can cause exhaustion and cause life-threatening situations.
- Ultimately, employers are obliged, at minimum, to uphold local laws related to working hours, and to strive towards implementation of international standards.





“ In many countries within the PPE supply chains, worker representation is very poor, which leads to increased vulnerability.

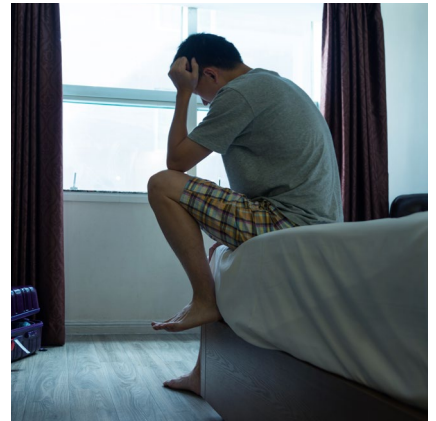
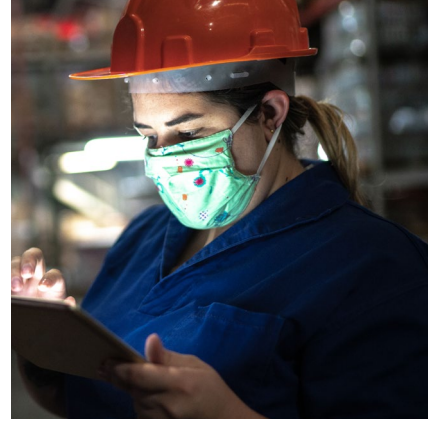
Resource 2: Remediation – Common Issues and Appropriate Remedy

The table below provides an overview of common forced labour issues within the PPE supply chain context and examples of appropriate remediation actions that may be required.

Common issues within PPE supply chains	Appropriate remedy
Workers' passports are held or stored by supplier management	Return all passports to workers immediately and provide workers with secure storage at their accommodation.
Other personal documents belonging to workers (e.g. birth certificates, land deeds, etc) are held by recruitment agencies as collateral until workers' pay off their recruitment-related debts	Work with the recruitment agencies implicated (and any sub-agents) to address this situation in a sensitive manner. Return the documents to workers as soon as possible, without requiring them to pay the recruitment-debt or other extortionate amounts charged.
Workers have paid recruitment fees and related costs	Reimburse all workers for any recruitment fees and related costs paid, regardless of whether they are still in debt or not. See Impactt's Standards for Repayment of Migrant Worker Recruitment Fees and Related Costs for guidance.
Workers have paid a deposit to their recruitment agency and/or the supplier.	Return any deposits paid by workers.
Workers or their families are threatened by a recruitment agent, employer, or broker. Workers work excessive hours and have not been paid correct overtime (OT) rates in line with the local law	Collaborate with NGOs and or other local organisations to ensure workers and their families are brought to a safe place immediately. Provide backpay for any hours incorrectly paid, dating back to the start of the workers employment.
Workers are prevented from leaving the site and/or locked into the accommodation at night	Lift any restrictions on workers' freedom of movement immediately.
Workers have been paid incorrectly, have had wages deducted illegally, and/or have not been paid for work on rest days	Provide backpay, dating back to the start of the workers employment.

Common issues within PPE supply chains	Appropriate remedy
Workers have been forced to stay in employment and complete their contract term against their will	Support workers' repatriation and/or explore options for employment by another employer as soon as possible, in close consultation with the worker.
Physical, sexual and/or psychological abuse	<ul style="list-style-type: none"> • Medical and psychological support. • Safeguarding the worker (e.g. transfer to different work location and or support repatriation, depending on the workers' preference). • Legal representation for the victim/worker. • Compensation for pain and suffering endured (appropriate compensation should be identified in consultation with workers and other stakeholders). • Disciplinary consequences for any perpetrators involved.
Poor quality, crowded accommodation	Workers must be moved to suitable temporary accommodation while wide-scale improvements to accommodation are made.





“ Collaborate with NGOs and/or other local organisations to ensure workers and their families are brought to a safe place immediately.

Resource 3: Additional Resources

The following provide additional resources to help the procurement team to carry out the modern-slavery related due diligence processes outlined in this guide.

Additional Resources
<p>Forced Labour Definitions</p> <ul style="list-style-type: none"> • ILO. Definitions of forced labour, modern slavery and human trafficking • ILO. Global Comparative Study on Defining Recruitment Fees and Related Costs
<p>Identifying Forced Labour Indicators and Risks</p> <ul style="list-style-type: none"> • Sedex Guidance. Operational Practice and Indicators of Forced Labour • ILO. Indicators of Forced Labour • ETI. Base Code Guidance: Modern Slavery • Good Practice Note: Managing Risks Associated with Modern Slavery commissioned by the International Finance Corporation (IFC), CDC Group Plc, the European Bank for Reconstruction and Development (EBRD) and the UK Department for International Development (DFID). • The Interactive Map for Business of Anti-Human Trafficking Organisations to seek advice on identifying particular risks from NGOs
<p>Carrying out Modern Slavery Due Diligence</p> <ul style="list-style-type: none"> • Institute for Human Rights and Business. Six Steps to Responsible Recruitment for further guidance on how to implement The Employer Pays Principle • ETI. Human rights due diligence framework • United Nations. Guiding Principles on Business and Human Rights has a portfolio of guidance and tools on due diligence, as well as a short video explaining what due diligence is. • OECD. Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector
<p>International Standards Related to Forced Labour and Recruitment</p> <ul style="list-style-type: none"> • IHRB. Dhaka Principles for Migration with Dignity and The Employer Pays Principle • ILO. General Principles on Fair Recruitment (Part 1, section III lists thirteen general principles guiding fair recruitment) • ETI. The ETI Base Code • IOM. International Recruitment Integrity System (IRIS) Standard

Additional Resources

Relevant Legal Frameworks on Forced Labour

- ILO. Core Conventions, in particular [Forced labor Convention](#), [Abolition of Forced labor Convention](#), [Worst Forms of Child labor Convention](#)
- [UK Modern Slavery Act](#)
- ILO. [NORMLEX database](#) contains national labour laws and regulations from across the world and links to the relevant national legal databases

Responsible Recruitment – Practical Tools

- Institute for Human Rights and Business. [Responsible Recruitment Gateway tools and information](#)
- Verité. [Fair Hiring Toolkit](#)
- Impactt. [Standards for Repayment of Migrant Worker Recruitment Fees and Related Costs](#)

Addressing Child Labour

- ILO. [How to do business with respect for children’s right to be free from child labour](#)
- ETI. [Base Code Guidance: Child labour](#)
- The US Department of Labour. [List of Goods Produced by Child Labor or Forced Labor](#) and a [List of Products Produced by Forced or Indentured Child Labor](#)

Other

- Home Office. [Transparency in Supply Chains A practical guide](#) for business to develop a Modern Slavery Statement
- BRE. [Ethical Labour Sourcing Standard](#) for recruiting labourers
- Home Office. [Slavery and human trafficking in supply chains: guidance for businesses](#) for organisations on how to ensure that slavery and human trafficking is not taking place in their business or supply chains
- NHS. [Ethical Procurement for Health \(EPH\) Workbook](#) provides an example of a risk assessment template for the healthcare sector (NHS)
- The ITUC. [Global Rights Index](#) provides useful data on labour legislation, and ranks countries as the best and worst places for workers globally
- Home Office. [Modern Slavery Assessment Tool](#). The tool asks suppliers questions about the processes they have in place for managing modern slavery risks and provides tailored recommendations on how to improve their anti-slavery processes.
- ETI. [Modern slavery statements evaluation framework](#) to help assess the quality of published statements and identify any strengths and weaknesses.

Please refer to the ‘A Practical Guide for Public Bodies’ document intended to provide commercial staff in UK public bodies tailored information on the key measures that can be taken to carry out effective modern slavery due diligence in PPE supply chains.