

TOOL 10:

MAKING A PLAN FOR REMEDIATION

This tool provides guidance on remedial action when cases of forced labour are identified either during an audit or risk assessment. Companies can use this table when different scenarios arise, to respond in a manner that places the workers wellbeing at the centre of decision making. This table has been adapted from the United States Department of Labour.

TABLE 1: REMEDIATION OF RECRUITMENT PRACTICE ISSUES	
CIRCUMSTANCES	REMEDATION ACTIONS
Workers abducted, confined during the recruitment process or sold.	Work with local groups especially NGOs to provide victims a safe place to stay and link them to needed services. Only when it is sure workers will not be criminalised for their actions while in a situation of exploitation, should law enforcement be approached. Worker safety is priority.
Workers recruited through a loan or advance and are working to pay it off.	If the supplier paid the loan or advance, determine whether the terms were reasonable. If not, work out reasonable terms between supplier and worker. If the loan/advance was paid by a labor recruiter, determine whether the supplier had knowledge of the arrangement. If so, work out reasonable terms between supplier, recruiter and worker. If not, require the supplier to discontinue its relationship with the recruiter. Report unscrupulous recruiters to authorities.
Deceptive recruitment: workers promised types of work, working conditions, contract terms, housing or living conditions, job locations, employers or wages/earnings that do not materialize.	If the supplier made a false promise, the supplier should provide all employees who wish to leave their full wages due and transportation home. If the false promises were made by a labor recruiter, determine whether the supplier had knowledge of the arrangement. If so, the supplier is still responsible for the above. If not, require the supplier to discontinue its relationship with the recruiter. Report unscrupulous recruiters to authorities.

TABLE 2: REMEDIATION OF WORKING AND LIVING CONDITIONS ISSUES	
CIRCUMSTANCES	REMEDATION ACTIONS
Workers working excessive overtime beyond legal limits.	Ensure that the supplier pays workers back wages for all overtime hours worked. Work with the supplier to evaluate staffing policies and compensation practices, such as piece rates, that are contributing to overtime. Examine your own sourcing practices, including lead times, changes in orders, pricing and other pressures that could necessitate extreme cost-cutting measures on the part of the supplier, including excessive overtime. Ensure that all workers receive training on their rights under the law and the social compliance system.
Workers expected to work “on call”	Work with the supplier to design a more structured staffing plan that meets your code’s requirements. Ensure that all workers receive training on their rights under the law and your code of conduct.

TABLE 2: REMEDIATION OF WORKING AND LIVING CONDITIONS ISSUES	
CIRCUMSTANCES	REMEDATION ACTIONS
Employer restricts workers’ freedom of movement or communication	Determine who—management, supervisors, shift leaders, etc. —are involved in restricting workers’ freedom of movement or communication and investigate these individuals’ actions. If individuals were acting on their own without management knowledge, take appropriate action with these individuals, which could include training, suspension or termination. If these restrictions came from management, terminate the relationship with the supplier or provide the supplier a short window of time to end all such practices. Further investigate conditions and circumstances at the worksite that management or supervisors may be trying to conceal – including through off-site interviews with workers and other knowledgeable community members. Ensure that all workers receive training on their rights under the law and your code of conduct, including channels for grievances. Ensure that workers who wish to leave the job are able to do so and receive their full wages due.
Degrading living conditions	Ensure that the supplier fully understands your minimum standards for employee housing. Give the supplier a short window of time to remedy all living conditions. Ensure that all workers receive training on their rights under the law and your code of conduct, including housing standards. Ensure that workers who wish to leave the job are able to do so and receive their full wages due. Follow up with an unannounced investigation that includes off-site interviews with workers and other knowledgeable community members. If the living conditions have not improved, terminate the relationship with the supplier – while mitigating the impact of this on the workers.
Workers forced to engage in illicit activities, to work for private home/family or to take addictive drugs	Determine who—management, supervisors, shift leaders, etc. —are involved in restricting workers’ freedom of movement or communication and investigate these individuals’ actions. If individuals were acting on their own without management knowledge, take appropriate action with these individuals, which could include training, suspension or termination. If these restrictions came from management, terminate the relationship with the supplier or provide the supplier a short window of time to end all such practices. Further investigate conditions and circumstances at the worksite that management or supervisors may be trying to conceal—including through off-site interviews with workers and other knowledgeable community members. Ensure that all workers receive training on their rights under the law and your code of conduct, including channels for grievances. Ensure that workers who wish to leave the job are able to do so and receive their full wages due.
Supplier inflates workers’ indebtedness	Determine the source of workers’ initial debt. If the initial debt was to the supplier, require the supplier to cancel this debt. If the initial debt was to a labor recruiter, investigate whether the supplier had knowledge of the debt arrangement. If so, require the supplier to cancel the debt. If not, require the supplier to terminate its relationship with the recruiter. Report the recruiter to authorities. With respect to the inflation of the debt, require the employer to immediately stop charging any form of interest on the debt. If debt is inflated through purchases from the employer, such as at a canteen, determine whether workers have other options. If purchases at employer-owned stores are the only viable option for workers, work with the supplier to ensure that prices and terms are reasonable. Ensure that workers who wish to leave the job are able to do so and receive their full wages due.

TABLE 2: REMEDIATION OF WORKING AND LIVING CONDITIONS ISSUES	
CIRCUMSTANCES	REMEDATION ACTIONS
Workers depend on employer for housing, food or other necessities	In some cases, particularly for migrant workers, provision of housing, food and other necessities by the employer may be the best option for all involved. However, the quality of the housing and foods must be examined and if it does not meet minimum standards, work with the supplier to improve quality. Follow up with an unannounced investigation that includes off-site interviews with workers and other knowledgeable community members. If the living/food conditions have not improved, terminate the relationship with the supplier.
Workers have personal dependency on employer	Ensure that all workers receive training on their workplace rights under the law and your code of conduct, regardless of personal relationships.

TABLE 3: REMEDIATION OF “IMPOSSIBILITY OF LEAVING” ISSUES	
CIRCUMSTANCES	REMEDATION ACTIONS
Workers do not feel free to resign because of benefits they have received or because employer restrictions	If a supervisor or other individual is leading workers to believe they cannot leave because the supplier has provided training or other benefits, or because of an illegal contractual requirement, require the supplier to take appropriate corrective action against this individual, from training to termination. If workers simply do not understand their rights, provide training to ensure they know when they may resign. Ensure that workers who wish to leave the job are able to do so and receive their full wages due.
Workers feel compelled to stay because they are due wages	Ensure that wages are being computed accurately and that all employees involved in payroll are adequately trained in wage computation. Require the supplier to pay all wages due under local law (for example, if local law requires payment biweekly, require all wages to be paid, at a minimum, through two weeks ago). Ensure that payment schedules are formalized, within legal limits and the limits of your code. Follow up with an unannounced audit. Ensure that workers who wish to leave the job are able to do so and receive their full wages due.
Workers work for an excessive or indefinite amount of time to repay a debt or advance from the employer or recruiter	If the supplier paid the loan or advance, determine whether the terms were reasonable. If not, work out reasonable terms between supplier and worker. If the loan/advance was paid by a labor recruiter, determine whether the supplier had knowledge of the arrangement. If so, work out reasonable terms between supplier, recruiter and worker. If not, require the supplier to discontinue its relationship with the recruiter. Report unscrupulous recruiters to authorities.

TABLE 4: REMEDIATION OF PENALTY OR THREAT ISSUES	
CIRCUMSTANCES	REMEDATION ACTIONS
Supplier or recruiter has possession of workers’ identity or travel documents	Suppliers should never confiscate or take control of workers’ identity or travel documents unless it is purely for safekeeping purposes, and then only if workers are able to retrieve their documents promptly upon request. Require the supplier to return all workers’ identity documents. If workers prefer that the supplier hold them for safekeeping, ensure that a policy is in place for retrieval of documents and that all workers are aware of the policy. Follow up to check on the issue through an unannounced audit.
Employer restricts workers’ communication	See above.
Employer threatens to turn workers in to immigration authorities	In any situation of violence, penalty, intimidation or threat, determine who—management, supervisors, shift leaders, etc.—are involved in these violations. If individuals were acting on their own without management knowledge, take appropriate action with these individuals, which could include training, suspension or termination.
Employer perpetrates or threatens physical or sexual violence	If these penalties, threats, etc., were initiated by management or if management was complicit, terminate the relationship with the supplier or provide the supplier a short window of time to end all such practices. Ensure that all workers receive training on their rights under the law and your code of conduct, including channels for grievances. Ensure that workers who wish to leave the job are able to do so and receive their full wages due. Follow up with unannounced audits that include off-site interviews with workers and knowledgeable community members.
Employer or recruiter threatens to remove privileges like promotion potential, threatens further deterioration in working conditions or threatens to fire workers	
Employer or recruiter exploits religious or cultural beliefs of workers	
Employer or recruiter withholds workers’ pay or assets or threatens financial penalties	
Employer threatens extra work for uncooperative workers	
Employer uses blackmail to coerce workers	