



International
Labour
Office

Combating Forced Labour

5

A Guide for Taking Action

A Handbook for Employers & Business
Special Action Programme to Combat Forced Labour

**Combating Forced Labour
A Handbook for Employers & Business**

5

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I Introduction

Forced labour and employers

This booklet complements the other material provided in this handbook by outlining some of the many things that employers can do at enterprise, industry and national levels to combat forced labour and human trafficking. It builds on the statements made in **Booklet 1** outlining the reasons why business and employers' organisations should take action to address these issues.

Until recently, forced labour has not been seen as a problem associated with business and employers' organisations. Rather, it has been associated with the human rights abuses of repressive States and armed forces, with little impact on the role and activities of the private sector. In recent years, however, this perception has begun to change. ILO research has shown that four out of every five cases of forced labour around the world involves private actors, while the forced labour outcomes of human trafficking are a truly global phenomenon that can affect any country, region and economic sector.¹

Forced labour is a criminal practice prohibited in both international law and most national legislation. Any business facing sound allegations that it is profiting from such exploitation will not only face severe reputational damage: it may also face expensive lawsuits and criminal prosecution. Certainly, no business today can afford the negative implication of this association, whether it is in its own operations or in those of its supply chain.

¹ See: ILO, *A global alliance against forced labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva, 2005.

The role of employers and business

Some key steps have already been taken by employers and business actors of all kinds. Companies are adopting policy measures – for example, codes of conduct – that explicitly prohibit forced labour, while others have joined multi-stakeholder initiatives such as the **UN Global Compact**. Still others have signed on to the **Athens Ethical Principles** of 2006, which provide guidance to business leaders on how to prevent and eradicate human trafficking. These are important initiatives. However, there is growing international consensus that much more still needs to be done.

How to use this booklet

This booklet shows that action can be taken on many fronts. It presents broad guidance for enterprises and employers' organisations, and wherever possible indicates links to the tools provided in other parts of this handbook. See **Booklet 6: Tips for Taking Action**, in particular, for a complementary discussion of the practical steps employers can take, and **Booklet 1: Introduction and Overview** for a list of resources and suggestions for further reading. It is not expected that companies and employers' organisations will undertake all of the activities indicated here. Each company is different and every organisation will develop its own approach to addressing these issues.

II Enterprise action and initiatives

Understanding the problem

In order for a company to deal effectively with forced labour, it is important for its management to first understand how forced labour is defined and how it manifests itself at enterprise level or within the supply chain. A manager or owner of a company may know that forced labour is against the law, but he or she may not know what forced labour is or the difference between it and exploitation or poor working conditions. As such, it is important to start with an understanding of the situation in order to raise awareness. An analysis of this kind can be undertaken internally or with the help of a consultant or another expert.

What is Forced Labour?

All relevant personnel within the company should have a clear understanding of forced labour and how it is defined in national legislation. Knowing this and related provisions of the labour and criminal codes will help the company comply with the law. It is also useful to examine the international definition provided in ILO Convention No. 29 (see [Booklet 1](#) for an excerpt of this Convention). This definition is accepted by the international community and states that forced labour is **all work or service** exacted from **any person** under the **menace of a penalty** and undertaken **involuntarily**.

It is also possible that your company supplies goods or services to other companies that define forced labour differently or that audit forced labour based on different criteria and indicators. This can be confusing, and definitions developed by CSR organisations may add to this confusion. To ensure smooth and continued access to international markets, it is best not only to adhere to the law, but to adopt policies and practices that reflect the highest requirements of your buyers.

i *Definitions and explanations of forced labour can be found in [Booklet 1: Introduction and Overview](#) and [Booklet 2: Employers' Frequently Asked Questions](#). Distribute these booklets amongst your staff to encourage a broad understanding of the subject.*

Situation in the company

After developing an understanding of forced labour and considering how it might represent a risk to your company, the next step is to examine the current situation in your own operations and across your supply chain. This can be done through an internal assessment or “social audit”. This assessment will determine whether forced labour exists in your enterprise and can take into consideration the aspects of your business that may be most at risk.

i *An assessment of this kind will generally examine more than one labour rights issue at a time. As such, it is important to ensure that the aspect which focuses on forced labour is effective and comprehensive. Review **Booklet 4: A Checklist and Guidance for Assessing Compliance**. It provides specific recommendations on how to conduct such assessments.*

Adopting effective policies and strategies

Strictly prohibiting forced labour and human trafficking in all company operations can play a central role in addressing these issues. An effective labour rights policy that includes such provisions is one of the most important first steps towards tackling forced labour at enterprise level.

Developing a company policy

In recent years, one form of labour rights policy has been the corporate code of conduct. These codes are formal statements of principle that govern the conduct of an enterprise and typically apply to suppliers and sub-contractors.

Codes of conduct almost always concern themselves with a number of issues, not just forced labour. They are particularly common in export industries such as garments and textiles and agriculture, but they are also found in construction companies, in hospitality and tourism, mining and other industries. Codes of conduct are one way that companies can formally (though voluntarily) commit themselves to addressing forced labour.

Developing a code does not have to be difficult. A number of initiatives provide free advice on the steps to take if a company decides to do so.

Some of these steps include:

- Conducting an assessment of the company and business partners to determine the degree to which both adhere to national laws and are consistent with industry good practice;
- Establishing a company-wide working group to develop a draft code that expresses the company's commitment to prohibit forced labour and human trafficking;
- Organising internal consultations on the draft and subsequently consulting with appropriate external partners or stakeholders; and
- Redrafting and finalising the code, and communicating it to all relevant business partners, business associations, employers' organisations, the media, and other stakeholders, including workers and their representatives.



Booklet 3: Guiding Principles to Combat Forced Labour can be used to frame a discussion on drafting the forced labour provisions of the code. You may also wish to contact your local employers' organisation or the [International Organisation of Employers](#) for advice. Other initiatives like the [UN Global Compact](#) and the US-based [Business for Social Responsibility](#) can also provide useful information about codes of conduct and CSR.

Implementing enterprise policies

The development of a code of conduct or another form of labour rights policy is just the first step. Now comes the hard part: implementing this policy and ensuring that the company and its suppliers operate to the newly established standard.

Social auditing

One way that companies can implement their social policies is through enterprise-level assessments or social auditing. An audit can help the company identify its level of compliance with the new code, or put plainly: an audit can help the company determine whether there is forced labour in its own operations or in its supply chain. The more thorough an audit is, the better it will be in identifying situations of forced labour and trafficking.

A tool to help companies in implementing a forced labour audit is provided in **Booklet 4: A Checklist & Guidance for Assessing Compliance**. This tool identifies common practices in social auditing and recommends a balanced use of four key methods of assessment:

- On and off-site interviews with workers;
- A review of company documentation;
- Interviews with management personnel; and an
- Inspection of the workplace.

These methods can be used to greatest effect together. However, it is up to the company to decide how it wants to conduct the assessment. The company may decide to use other methods or to hire a consultant (for example, a third party social auditor). Either way, it is important that the audit is both effective and credible.

Enterprise-level training

A company may also wish to provide training to managers, supervisors and workers on addressing forced labour. This would have the broad aim of ensuring more effective implementation of the code and more consistent levels of compliance across the company and its suppliers. In particular, the training would build the capacity of key personnel to identify and prevent forced labour, and take corrective action, where necessary.

Training at enterprise level starts from the principle that managers and owners cannot do it alone; if forced labour and human trafficking are to be effectively addressed, other members of the company, including workers at all levels, will need to be involved. A company may already be experienced in providing training to management, supervisory personnel and workers. Draw lessons from that experience, and keep in mind the following:

- **Audience:** Make sure the training is informative, practical and relevant to the needs and knowledge levels of your participants.
- **Trainer:** Conduct the training yourself or contract a local expert. Talk to your employers' organisation to draw from its expertise.
- **Location:** Consider the pros and cons of where the training is held, for example at the workplace or "off-site".

- **Timing:** Employees are busy. Schedule training at a time when they are best able to attend.
- **Methods:** Consider the use of training methods that ensure the active involvement of all participants.



*Training on forced labour and human trafficking can be conducted alone or it can be integrated into other programmes. A modular training programme that includes forced labour and can be adapted to meet different business needs has been developed by **Better Work**, a joint project of the ILO and International Finance Corporation.*

See: www.betterwork.org.

Social reporting

Many companies will also want to communicate their activities to stakeholders and the wider public. One way for them to do so is through the Internet and on the company's website. Another way is to publish an annual social or sustainability report, which allows the company to "speak" directly to investors, buyers, consumers and broader civil society.

The **Global Reporting Initiative** is a multi-stakeholder initiative that helps companies with social reporting. It develops global and sector-specific guidelines on how to communicate on social, human rights and environmental performance, and involves companies, workers' organisations and other groups in the process. On forced labour, the GRI advises companies to provide "concise disclosure," suggesting that they:

- Indicate which operations are identified as having significant risk for incidents of forced labour; and
- Comment on the measures they have taken to eliminate such abuses.

The **UN Global Compact** is another initiative to mention here. It requires participating companies to prepare an annual "Communication on Progress" that indicates the measures taken to implement the Compact's ten principles, including the elimination of forced and compulsory labour. This communication should include a description of practical activities and a measurement of the outcomes or expected outcomes of such activities. The Global Compact also advises companies on steps to take to combat forced labour. The box below identifies key recommendations for workplace and community-level action, developed in consultation with ILO and its constituents.

UN Global Compact: Strategies for Business to Combat Forced Labour
Extract from “The Labour Principles of the United Nations Global Compact:
A Guide for Business” developed by the Global Compact Labour Working Group

In the workplace

- Adhere to forced labour provisions of national laws and regulations, and where national law is insufficient, take account of international standards.
- Within company operations and dealings with other businesses, ensure that employment contracts are provided to all employees stating the terms and conditions of service, the voluntary nature of employment, the freedom to leave (including the appropriate procedures) and any penalties that may be associated with a departure or cessation of work.
- Institute policies and procedures to prohibit the requirement that workers lodge financial deposits with the company.
- Encourage managers to take action as appropriate.
- If forced labour is found within the company’s sphere of influence, provide for the removal of such workers from the workplace with adequate services. To the extent possible, assist with workers’ access to viable alternatives.
- Exercise due diligence in dealings with other businesses.

In the community of operation

- Companies may also wish to contribute, where possible, to broader community efforts to eliminate forced labour and help workers freed from forced labour to find freely chosen work.
- Work in partnership with other companies, sectoral associations and employers’ organisations to develop an industry-wide approach to address the issue, and build bridges with trade unions, law enforcement authorities, labour inspectorates and others.
- Establish or participate in a task force or committee on forced labour in your representative employers’ organisation at the local, state or national level.
- Support the development of a National Action Plan against forced labour as part of key policy and institutional mechanisms to combat forced labour at the national level.
- Within the company’s sphere of influence, participate in prevention and re-integration programmes for former victims of forced labour by providing skills development and job training opportunities.
- Where possible, participate in national and international programmes, including media campaigns, and coordinate with local and national authorities, trade unions and others.

Working with others

The **GRI** and **UN Global Compact** are initiatives that bring together companies with other business and civil society organisations. Many companies seek to engage stakeholders in addressing forced labour and trafficking.

For example, a company may choose to participate in a collective policy statement by an employers' organisation or group of companies. In many cases, this is a group operating in the same sector or industry that jointly develops a code of conduct and related social auditing programme. This gives companies the opportunity to exchange information and develop good practice together. (See Section III below for more on the role of employers' organisations).

A company may also wish to work directly with workers' organisations or other civil society groups. This can take the form of negotiating an agreement or statement of principle, or involve joint engagement in the implementation of a company code of conduct. In recent years, a number of multinational companies have signed **International Framework Agreements** with global union federations. These agreements – which cover company operations and often apply to suppliers – deal with a variety of issues, including forced labour.

Companies are also involved in a growing number of multi-stakeholder initiatives. These organisations provide important forums for companies to engage civil society on policy development, social auditing and transparency measures. Multi-stakeholder initiatives are typically global in nature and operate pilot projects, training programmes and other activities around the world. Examples of such initiatives include the UK-based **Ethical Trading Initiative** and the **International Cocoa Initiative**.

Engagement with workers' organisations and multi-stakeholder initiatives can have a number of benefits. It can provide:

- A venue for sharing information and good practice between companies and stakeholders;
- An opportunity to learn from others about what works and what doesn't;
- A forum for collective training and capacity building; and
- A place to find solutions to some of the key technical challenges of tackling the complex issue of forced labour.

Working with unions and NGOs can also lead to good practice in remediation. Working with stakeholders can strengthen this engagement and provide companies with a network – alongside that offered by employers' organisation – to appeal to when looking for further guidance or assistance.



Developing a strategy or action plan

A key first step for employers' organisations to engage on forced labour is to develop a strategy or plan of action. This will help the organisation address forced labour in a systematic and sustainable way, and encourage strategic thinking on tackling its worst abuses. Starting with a strategy will also help the organisation have the greatest impact in action.

A strategy does not have to be a comprehensive or detailed plan. It should enable employers to identify an objective and a series of steps to achieve it. Developing a strategy will clarify some of the problems employers may face and provide an opportunity to think about the ways to resolve them. It will also establish a foundation for employers to influence public policy and can lead to the development of tools and resources for members. A strategy can also identify potential partnerships for employers to rely on. An important part of developing a strategy is realising that forced labour can best be addressed in partnership and not alone.

Identifying objectives

Most employers' organisations are already well-versed in developing strategic objectives on social issues. The process used is similar to any that involves addressing a key policy matter. A group can be convened to identify key objectives. A draft strategy will result from this consultation and be shared with other representatives of the organisation and perhaps also members. Technical and operational matters will be addressed, including the cost implications. The strategy will be finalised through further internal review and, possibly, through consultation with external partners. For example, assistance may be requested from the IOE or ILO.

Getting buy-in

After setting the objective, it is important to consider getting "buy-in". A strategy to address forced labour will require political support from the Executive Board in order to move forward. This may involve presenting the strategy to the Board and making revisions based on their comments; or it can actively involve them in the development of the strategy in the first place. This stage of the process may take a significant period of time, but it is an essential step whose importance should not be underestimated for the long term success of the strategy.



You may wish to contact the IOE or ILO's Bureau for Employers' Activities. Both can provide information about developing a strategy or action plan, and facilitate contact with other employers' organisations.

See: www.ioe-emp.org and www.ilo.org/employers.

Process versus content

The above-mentioned steps represent the process of developing a strategy rather than its content. In general, a strategy's content will have to be determined by the organisation itself. However, suggestions for action can revolve around three things: the expertise employers' organisations have on social issues; the nature of the services they already provide; and the unique position employers have as key labour market actors. The two key areas of action are:

- Providing advice to members and raising awareness; and
- Engaging with others in taking action.

Providing advice & raising awareness

Providing advice and raising awareness is one of the key functions of employers' organisations. On forced labour and human trafficking, this is no exception. These issues can be complex and confusing topics for employers, and they may be misunderstood or confused with other concepts. For example, a manager may simply not know what debt bondage or coercion refer to. For this reason, a key starting point for any employers' organisation is to provide information and advice to its members.

Establishing a Focal Point

As part of the overall strategy, an employers' organisation might choose to designate a member of its staff as a Focal Point on forced labour. If possible, this person should have knowledge of the issue. However, this is not essential; designating a person as a Focal Point will allow them to develop their expertise over time. A Focal Point may dedicate his or her time solely to forced labour, or the topic may be part of a "portfolio" of other responsibilities. The key here is that your members have a single person within the organisation to whom they can go should they have inquiries or require assistance.

Providing information...

One of the duties of a Focal Point is to disseminate information to your members. At a basic level, enterprises will want to know about the law and relevant provisions in the labour and criminal codes. Providing copies of these or preparing a brief summary of legislation could be a useful starting point. More broadly, information can also be found in this handbook. Having photocopies available of [Booklet 2: Employers' Frequently Asked Questions](#) may also be helpful. The benefit of this material is that it provides concise information in an "easy-to-read" format.

You may also want to consider providing information about international buyers and CSR. Forced labour – along with the other core labour standards of the ILO – is a central part of CSR programmes and the expectations of buyers are rapidly growing. Suppliers increasingly must be able to show that there is no evidence of forced labour within their own operations or in those of their sub-contractors. Thus, an employers' organisation can play an important role in informing members about the changing attitudes and expectations of international buyers and consumer markets.

... and advice

Beyond providing information, you may also wish to offer your members advice on combating forced labour. This can be done person-to-person through your Focal Point; or your organisation can facilitate the exchange of ideas between members. The advice you provide may follow the suggestions outlined in the previous chapter. You may also want to review [Booklet 6: Tips for Taking Action](#). Guidance on enterprise-level

engagement, remediation and adopting a partnership approach may be particularly useful to your members.

Another way to share advice is to facilitate exchange between your members. Companies can learn a great deal from each other and your organisation may want to play a role in documenting and disseminating examples of good practice. This can be done on a website or in printed form; or to reach a wider audience, "good practice" companies could also be asked to present their strategies and programmes at seminars or other events led by employers.

i *For examples of practical measures companies have taken to address forced labour, see [Booklet 7: Good Practice Case Studies](#). Keep in mind that the levels of awareness of your members may be quite diverse; in providing them with information and advice, be sure to have a clear understanding of their needs and levels of knowledge.*

Raising awareness

The level of awareness of your members and their capacity to address forced labour and trafficking is a significant factor in designing a strategy. If the issues are relatively new to them or little work has previously been done on the topics, you may need to start more-or-less "from scratch". On the other hand, if forced labour and trafficking are frequently discussed in the media and your members already have a good level of understanding, it may be possible for a Focal Point to begin at a higher level of engagement.

In both cases, a structured way of sharing information and raising awareness is to arrange a national workshop or seminar on forced labour. This will encourage dialogue between your organisation and its members, and between the members themselves. An event of this kind can be organised with the support of other stakeholders and does not have to have high cost implications. However, it is important to have a clear set of objectives and priorities. The intended outcomes of the meeting should be considered beforehand to ensure a meaningful and successful event. An example of this kind of conference is presented in the box below.

Engaging Business: Addressing Forced Labour **A Conference Sponsored by the US Council of International Business, the US Chamber of Commerce and the IOE**

In February 2008, the Coca Cola Company hosted a conference on “Engaging Business: Addressing Forced Labour” at its US headquarters in Atlanta. This meeting brought together 80 representatives from employers’ organisations and individual companies, officials from the US Departments of Labour and State, civil society organisations and the ILO to share experiences and knowledge on combating forced labour.

With growing investment in and sourcing from developing country markets, the business risk of forced labour is increasing. Civil society and human rights groups are now paying closer attention to these concerns, often within wider debates on human trafficking and child labour. Forced labour is thus becoming a significant risk, requiring immediate business attention.

This one-day meeting aimed to explore these questions with a focus on the experiences of companies working independently and in co-operation with others. The meeting set out to discuss the challenges faced by business in addressing these issues and describe the ways companies have responded to these challenges. Participants discussed a number of issues, including the:

- Role of government in tackling this problem;
- Need for clear guidance and examples of best practice;
- Need to prevent abusive practices among recruitment agencies;
- Need for strategic mapping of forced labour concerns by country and sector; and the
- Role of social auditing and development of credible monitoring systems.

Finally, consider also developing a handbook on combating forced labour, taking the material presented here as a guide. Translate the relevant booklets and make sure to include national and sector-specific information that is relevant to your audience. Adapt the case studies provided in [Booklet 7](#), or collect and prepare your own. However, make sure that you have a clear purpose and target audience in mind when you prepare the material, and make the handbook as practical as possible. Consider involving some of your members in the design phase of the project, and consult with the IOE and ILO on technical or political matters.

Engaging with others in taking action

In the previous section, it is recommended that employers' organisations play a central role in providing their members with information and advice on addressing forced labour and human trafficking. Employers, however, may wish to move beyond awareness raising and become more engaged in an operational manner.

In many cases, engagement of this kind will not be undertaken alone. It will be done in partnership with other organisations, for example with government, national or international NGOs, United Nations' agencies, the ILO, IOE and/or workers' organisations. Funding and management of the activities will likely be distributed across the partnership; however, there are certain activities that employers can lead because of their unique position as labour market actors.

Working with government

Government is a key player in the elimination of forced labour and trafficking in persons. A co-operative relationship with different government agencies will enable employers' organisations to lobby effectively on public policy matters such as labour and migration.

As a key first step, employers' organisations should be involved in all negotiations to ratify relevant ILO and UN Conventions. They should be engaged in the development of national legislation, and any changes or revisions to the labour and criminal codes. Engaging government in this way ensures that an employers' perspective is represented throughout negotiations. Employers' organisations can also engage government on labour inspection as it relates to forced labour. They may wish to lobby the Ministry of Labour on technical matters, for example to facilitate labour inspections and contribute to making them more effective and efficient. Sector-based associations may wish to do this in sectors where the risk of forced labour has been identified as particularly widespread.

Working with workers' organisations & others

In working with government, employers' organisations are also likely to work with workers' organisations in dialogue on the above-mentioned matters. Employers' and workers' organisations will play similar roles vis-à-vis government in representing their respective positions on public policy matters.

However, employers' organisations may also wish to engage workers outside the scope of legislative reform or policy development. For example, an employer may want to play a lead role in engaging workers at the sector level to develop a joint statement on eliminating forced labour. Sector-based associations show by example that effective co-operation can be built with global union federations to develop and implement programmes addressing these issues.²

Non-governmental organisations are also likely to be important here. These organisations are a broad and varied group, with some operating internationally and others operating nationally or even locally. Whatever the case, NGOs are increasingly important actors in multi-stakeholder initiatives and, as such, employers and their representatives may wish to engage with them more directly. In this case, it is advisable for employers to be clear about their objectives and responsibilities when building these alliances.



More information and guidance on the role that employers' organisations can play in working with government, workers' organisations and NGOs can be found on the IOE's website: www.ioe-emp.org.

Taking action in prevention and protection

It has been noted that employers' organisations are well-placed to provide advice to members, play a role in raising awareness, and engage in dialogue with government and other actors. These are important activities. However, an employers' organisation may also wish to participate in programmes that take preventive and protective action against forced labour and trafficking. In this case, the organisation can be involved at several levels. It may wish to:

² The International Cocoa Initiative is a multi-stakeholder initiative that brings together companies and other business actors alongside workers' organisations and civil society to address forced and child labour in cocoa growing and processing. See: www.cocoainitiative.org.

- Take the initiative itself;
- Join an initiative launched by others; or
- Support the efforts of a member association that is taking action.

An employers' organisation, notably one with expertise on the issue, may assist a constituent association with advice and information, and with access to networks, donors or potential partners. It may also wish to pass on information about good practice developed by other members that have faced similar problems.

By virtue of their role in representing business, employers' organisations can develop or participate in programmes that seek to rehabilitate and reintegrate former victims of forced labour and human trafficking. They can lead job placement or apprenticeship programmes, and provide vocational training and skills development opportunities. These programmes have both a preventive and protective function: they can provide income-generating opportunities to workers and help them reintegrate into their communities; but they can also act as a mechanism to prevent a worker from being re-trafficked or targeted again for forced labour exploitation.

Whatever the approach taken, it is necessary for the employers' organisation to consider the issues of money and staff time. Initiating or participating in a programme like this takes time and resources. There are three main sources of funding:

- Use of existing, internal funds;
- Reallocation of staff time; and
- Outside funding, notably from bilateral donors and UN agencies.

Consider using internal sources to fund preparatory activities, while looking for external donors for larger aspects of the work. However, be sure to consider developing a sustainable funding schedule so that the organisation does not become dependent on donors and risk having to close down good initiatives when donor engagement ends.

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Special Action Programme to Combat Forced Labour
Programme on the Promotion of the Declaration on Fundamental Principles and Rights at Work

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