

Tool 1: Sample Code of Conduct Provisions

It is important that your corporate policy or code of conduct explicitly prohibits forced labor and human trafficking and sets out protections for migrant workers. Currently, most codes make only general reference to this kind of exploitation. The sample provisions below can be used by companies as they consider how best to create, strengthen or revise their supply chain policies. These provisions address factors that are “enablers” or contributors to situations or risks of human trafficking and forced labor.

FORCED OR INVOLUNTARY LABOR

Workers shall not be subject to any form of forced, compulsory, bonded, indentured, or prison labor. All work must be voluntary and workers shall have the freedom to terminate their employment at any time without penalty, given notice of reasonable length.

RECRUITMENT FEES

Workers shall not be charged any fees or costs for recruitment, directly or indirectly, in whole or in part, including costs associated with travel, processing official documents and work visas in both home and host countries.

CONTRACTS OF EMPLOYMENT

Written contracts of employment shall be provided to migrant workers in a language they understand, clearly indicating their rights and responsibilities with regard to wages, working hours and other working and employment conditions. Migrant workers shall be provided with their employment contract prior to deployment. The use of supplemental agreements and the practice of contract substitution (the replacement of an original contract or any of its provisions with those that are less favorable) are strictly prohibited.

DOCUMENT RETENTION

Confiscating or withholding worker identity documents or other valuable items, including work permits and travel documentation (e.g. passports), is strictly prohibited. The retention of personal documents shall not be used as a means to bind workers to employment or to restrict their freedom of movement.

DEPOSITS

Migrant workers shall not be required to lodge deposits or security payments at any time.

HUMANE TREATMENT

The workplace shall be free of any form of harsh or inhumane treatment.

Disciplinary policies and procedures shall be clearly defined and communicated to all workers, and shall not include any inhumane disciplinary measure, including any corporal punishment, mental or physical coercion, or verbal abuse of workers; nor shall they include sanctions that result in wage deductions, reductions in benefits, or compulsory labor.

The use or threat of physical or sexual violence, harassment and intimidation against a worker, his or her family, or close associates, is strictly prohibited.

WORKPLACE EQUALITY

All workers, irrespective of their nationality or legal status, shall be treated fairly and equally.

Migrant workers shall benefit from conditions of work (including but not limited to wages, benefits, and accommodations) no less favorable than those available to country nationals.

Migrant workers (or their family members) shall not be threatened with denunciation to authorities to coerce them into taking up or maintaining employment.

WAGES AND BENEFITS

All workers shall be paid at least the minimum wage required by applicable laws, and shall be provided all legally mandated benefits. Wage payments shall be made at regular intervals and directly to workers, in accordance with national law, and shall not be delayed, deferred, or withheld.

Only deductions, advances, and loans authorized by national law are permitted and, if made or provided, actions shall only be taken with the full consent and understanding of workers.

Clear and transparent information shall be provided to workers about hours worked, rates of pay, and the calculation of legal deductions. All workers must retain full and complete control over their earnings. Wage deductions must not be used as a disciplinary measure, or to keep workers tied to the employer or to their jobs. Workers shall not be held in debt bondage or forced to work in order to pay off a debt.

Deception in wage commitments, payment, advances, and loans is prohibited.

WORKING HOURS

Workers shall not be forced to work in excess of the number of hours permitted in national law. Where the law is silent, normal working hours shall not exceed eight per day and forty-eight per week, and total working hours including overtime shall not exceed sixty.

All overtime shall be purely voluntary, unless part of a legally recognized collective bargaining agreement.

No worker shall be made to work overtime under the threat of penalty, dismissal, or denunciation to authorities. No worker shall be made to work overtime as a disciplinary measure, or for failure to meet production quotas.

FREEDOM OF MOVEMENT AND PERSONAL FREEDOM

Workers' freedom of movement shall not be unreasonably restricted. Workers shall not be physically confined to the workplace or related premises, such as employer- or broker-operated residences; nor shall any other coercive means be used to restrict workers' freedom of movement or personal freedom. Mandatory residence in employer-operated facilities shall not be made a condition of employment.

GRIEVANCE PROCEDURES

An effective grievance procedure shall be established to ensure that any migrant worker, acting individually or with other workers, can submit a grievance without suffering any prejudice or retaliation of any kind.

PRIVATE EMPLOYMENT AGENCIES AND LABOR BROKERS

Companies should hire migrant workers directly whenever possible. When the subcontracting of recruitment and hiring is necessary, companies shall ensure that the labor agencies they engage operate legally, are certified or licensed by the competent authority, and do not engage in fraudulent behavior that places workers at risk of forced labor or trafficking for labor exploitation.

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