

Principle 3

POLICIES AND PROCEDURES ARE INCLUSIVE

Migrant workers' rights should be explicitly referred to in employer and migrant recruiter public human rights policy statements, relevant operational policies and procedures addressing human rights responsibilities.

Company human rights policy statements, operational policies and procedures do not always make specific reference to migrant worker rights. Companies may assume that migrant worker rights will be covered by general company policies and procedures but this is not always the case, moreover such overarching policies frequently fail to provide sufficient detailed guidance on the practical challenges encountered by migrant workers. Migrant workers often face unique circumstances and issues directly related to their migrant status, such as contract deception or substitution, passport confiscation, or language, religious or cultural requirements that might be overlooked without explicit attention. Where migrant workers are not explicitly included in company policies and procedures, performance-tracking systems (e.g. audits) will often fail to pick up areas of particular concern and potential discrimination.

IMPLEMENTATION STEPS

- All business enterprises which work with migrant workers (including user enterprises and migrant recruiters) should adopt a human rights policy commitment that explicitly refers to migrant workers. The policy should be based on international human rights law and be gender-sensitive.⁷ References to migrant workers should focus on their human rights rather than their migrant status.
- The policy should be approved at the most senior level of the business, and responsibility for ensuring migrant worker welfare should lie with a senior manager.
- Supervisors and line managers should be trained to ensure that company policies are effectively and fairly applied to migrant workers. This should include guidance on not accepting any financial inducements, and on avoiding intimidation, threats, sexual harassment and discrimination. Managers should understand what behaviour is and is not acceptable when dealing with migrant workers.
- The policies and procedures, including management systems and performance tracking systems, such as audits, should include detailed provision for the particular challenges migrant workers face. All companies should communicate these to all personnel, suppliers, and other relevant business relationships, and to migrant workers themselves in a language each worker understands.
- Employers should conduct and demonstrate on-going due diligence over the human rights of migrant workers including in their selection of migrant recruiters. They should determine that workers are recruited legally and in accordance with these *Dhaka Principles*, and have not been trafficked or exploited. The process should involve meaningful consultation with migrant workers, their representatives, as well as migrant rights groups and trade unions representing workers in the area or the industry.
- Contracts between business enterprises and their suppliers, and with migrant recruiters, should set out clear guidance on migrant workers' rights and compliance expectations, as well as standards against which performance can be measured. Any audits or monitoring should draw on the perspectives of migrant workers, their representatives and migrant rights groups.
- Migrant recruiters should also conduct and demonstrate on-going due diligence over the human rights of

⁷ UN Guiding Principle 16 provides clear guidance on a company's policy commitments in this regard.
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

migrant workers. They should determine that workers are recruited legally, in accordance with these *Dhaka Principles*, and have not been trafficked or exploited. They should also carry out due diligence on the employer and conditions at the place of work, including health and safety conditions for the migrant workers. The process should involve meaningful consultation with migrant workers, their representatives, as well as migrant rights groups and trade unions representing workers in the area or the industry.