

Workplace Assessment Tool

How can a company go about conducting its own inspections?

Responsible business actors can play a proactive and meaningful role in the prevention of labour exploitation. Through commitment to respecting human rights and investing in social responsibility, companies can effectively reduce the opportunities for criminal entrepreneurs to exploit workers and distort fair competition. The following tool is meant to be a part of a company's social responsibility agenda and is designed to give companies more control over their subcontracting chain through effective assessments of working conditions. This tool can also be utilised as a model for integrating social responsibility considerations into public procurement.

This tool is by no means meant to replace the work of labour inspectors or other enforcement authorities. The activities related to the workplace assessment are described here starting from the planning stage to the actual assessment, and to taking further steps and remedial actions if problems are uncovered. For those businesses that are already doing safety inspections on jobsites, e.g., in the construction sector, this tool can be used to incorporate the theme of labour exploitation into the existing inspection protocols.

“Labour inspectors have limited resources and cannot necessarily do inspections in all companies regularly. Therefore, workplace assessments performed by companies themselves are a very good tool to tackle exploitation and the grey economy.” A Finnish Labour Inspector



Part of the report by Lietonen, A., Jokinen, A. & Ollus, N. (2020): Navigating through your supply chain. Toolkit for prevention of labour exploitation and trafficking. Helsinki: HEUNI. Full publication available [here](#).

This tool is designed as a self-audit tool suited to a company's own staff who are well informed of the company's structures and possible risk areas. Assessments are recommended to be carried out on a regular basis, e.g., 1–3 times per year depending on the size of the business and the scale of its operations.

Workplace assessments can be done reactively as a response to complaints (through, e.g., ethical channels that businesses use for reporting suspected misconduct), but they should also be carried out on locations where everything is seemingly well. Unannounced assessments are more likely to uncover poor labour conditions than those checks that are announced in advance. Large-scale audits require resources such as time, staff and money. For some companies, it may be beneficial to consider engaging local NGOs, labour inspectors, trade unions or consultants on BHR/CSR/workers' rights, or other experts from private audit organisations to carry out the work. The following boxes outline some examples where companies have established ethical channels for reporting violations or where mobile apps may be used by workers to report problems encountered.

Latvian good practice example: anonymous reporting channel

The cement manufacturer SCHWENK Latvija pays special attention to social responsibility in their supply chain. The company regularly organises information campaigns and has established an anonymous reporting channel for its employees. Annually, about 350 employees make approximately 2000 risk reports through the channel. These reports mainly relate to safety violations, but the channel can also be used to report problems related to employment and wages. The channel has allowed the company to strengthen its reputation as a responsible business and to tackle problems flexibly.



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Bulgarian good practice example: Reporting app for workers

In 2019 the Confederation of Independent Trade Unions of Bulgaria (CITUB), the General Labour Inspectorate and the National Revenue Agency (NRA) conducted an awareness-raising campaign about the harms of the grey economy. As part of the campaign they introduced a free mobile application, VOX KNSB, that allows users to report problems and irregularities in their workplace, as well as share positive practices. The app is available on Android and iPhone, and the anonymity of users is guaranteed. Photographic material may be attached, and the app automatically registers the location from which the report has been sent. In the first few months the app was downloaded by over 10,000 users. About 50 reports were submitted and 85% of these concerned violations of employment relationships.

The inspection tool introduced in this guide does not require any special skillsets or competencies. The tool is designed in such a way that middle-management or corporate responsibility/sustainability experts can follow the basic steps introduced here.

TIP: Workplace assessments can be implemented as such but could also be tailored to be part of jobsite safety inspections, audits, HR-strategies, annual evaluations and/or job satisfaction surveys.

What are the requirements for carrying out inspections?

Ideally, the person(s) conducting inspections should have **a strong understanding of labour exploitation and trafficking, and preferably some level of specialisation in sustainability and responsibility issues**. It is recommended that the persons carrying out the inspections should familiarise themselves with the following materials related to detecting the signs of labour exploitation and trafficking. It is also a good idea to map existing job-related training possibilities, workshops or seminars offered by either private entities, state actors, NGOs, trade unions or other stakeholders. Also, **good communication skills** of persons carrying out the inspections will advance the exchange of information and foster the building of trustworthy relationships with employees, subcontractors and business partners.

Good language skills are important even though the inspections should ideally be done using the mother tongue of the workers; English may be the most feasible language to use to avoid major language barriers. **However, if the English language skills of the parties are not sufficient, do not accept that a representative of the workers or the subcontractor acts as an interpreter, as the person may not be impartial.** The persons implementing inspections should carefully read through the list of signs which indicate that a person may be exploited, abused or even a victim of trafficking.

Things to keep in mind when conducting the workplace assessment

It should be acknowledged that the process of random checks or unannounced inspections can cause pressure for the people who are assessed, and cause friction between you and your business partners. To avoid any harm to workers or your business relationships, the terms of the random checks should be clearly established in contractual agreements (see the Contract Tool on p. 40). It is essential that a 'do-no-harm' approach is adopted, so that the inspection does not place vulnerable workers at greater risk. For workers, it is important that the workplace assessments do not lead to them losing their source of income or their work permits, which could result in them being deported from the country of destination. Instead such workers should receive guidance in securing their unpaid wages from the company and relevant authorities, as well as get support in finding a new job. Therefore, **a strong focus on workers' rights is crucial** when carrying out assessments. Furthermore, workers may be unwilling to report concerns to a stranger or someone in a position of power. Certain steps can, however, be taken to facilitate an atmosphere where people will feel more comfortable to speak out and disclose information.



1 Map the ability to communicate: Identify the different languages used at the work sites in advance and disseminate information materials on the principles of working as a foreign employee. Many workers may be able to communicate sufficiently in English or in a local language. If not, you should consider offering the services of an impartial interpreter (either face-to-face or through a telephone). Using acquaintances or friends from the same group as interpreters is not advised since they may be linked to the exploiters.

2 Create confidence: Take time and make an effort to clearly express the motives of the assessment and think carefully how to present them when approaching the supervisors and workers, e.g., handing out information leaflets in different languages that include your company policy on labour exploitation and possible ethical channels used by your company. Consider including contact details for, e.g., unions, employers' associations, occupational health administration, and organisation or helplines that offer assistance on matters related to workers' rights. Remember to also introduce yourself when approaching the workers. Depending on the company and country, it might be useful to engage with workers' representatives during the assessment. Ask for consent to take notes and explain why you are doing so.

3 Create a safe space, ask questions and listen: Try to establish an understanding between you, the supervisors, and the workers in order to clearly communicate that the aim of the workplace assessment is to facilitate a two-way line of communication and consider what the best moment/space is to approach the supervisors and workers. Talk to the supervisors and manager first and then compare what they say with what the workers are saying. You are more likely to get direct answers from workers when there are no managers, supervisors or colleagues nearby. Ensure that there are no other persons overhearing the discussions if workers share sensitive and personal information. Make sure to give the impression that you are not in a hurry, and make sure that you listen carefully to each person and ask if the person you are talking to has anything further to add or discuss. If sensitive information arises in the course of the inspection, write down all the information and acknowledge the experiences of each person.

4 Inform, educate and support: Individuals may lack trust of authorities and therefore it is important to give them information on their rights and possibilities. Explain that contacting authorities is essential if they wish to access their legal rights and entitlements. If

individuals do not want to contact the authorities, take time to explain which authorities, organisations, help lines/hotlines or other services offer advice and support for persons in their situation and how to give anonymous tips to authorities (see p. 55 "where suspicions arise"). Assure individuals that they can also contact you later (remember to leave your contact details) and inform them about your company's possible ethical channels (preferably anonymous) of disclosing information.

5 Look beyond the paperwork: Employers/actors/businesses in the supply chain may have developed strategies to cover up infringements of statutory working conditions. There is, for example, a possibility that the supervisors or the workers are given specific instructions by employers about what they should say. These might include false testimonies about their working conditions, wages and living circumstances. Workers may have even been given false identities or signed fake contracts with falsified working hours and been instructed to flee or hide in case an inspection occurs (FRA 2018). Particular attention must be paid if workers are found on site outside the stated working hours. This may be a sign that employees are actually working longer than officially designated. Note that depending on the legal regulations in each country, self-employed or temporary workers may not have a legally set maximum number of working hours. However, your company should consider adopting standards that limit the overtime so as not to exceed a certain number of hours per week.

6 Report and communicate: Write down the main points of discussions and draft a corrective plan about the next steps. Inform the workers about the next steps. When certain action points are delegated to other parties or persons, make sure that you do not disclose sensitive materials to individuals that do not have competencies to handle them. In order to address the problems identified during the inspection, it is important to involve the contractors and subcontractors responsible for the employees, however, it must be carefully considered what to include in the report. The shortcomings should be listed on a more general level and the anonymity of the interviewed employees needs to be safeguarded, unless you have permission in writing from the person whose identity you would like to disclose (if a crime is suspected, see p. 55 "where suspicions arise"). Draft a report on the shortcomings to the subcontractor and organise a meeting where the responsibility criteria are discussed thoroughly, and your company is provided with proof of how the shortcomings will be/have been fixed. Include information about improvements to your annual reporting.





What to look for and what topics to cover when conducting a workplace assessment? The following lists of questions are not comprehensive but are meant to serve as a starting point and an overview of topics which could be covered when conversing with possible business partners and workers in the supply chain. When necessary, ask for evidence to back up their responses. Before the inspection, determine the overarching themes related to your company's CSR and BHR agenda that the assessment aims to focus on, e.g., health and safety, equality, diversity and discrimination issues. From the labour exploitation point of view, the key is to uncover any problems in working conditions and to establish whether the workers are working freely or under some form of threat.

Before the inspection, read and learn about the signs of labour exploitation and trafficking in recruitment and employment, at the workplace, and in housing. Persons may be unwilling to talk with you for several reasons, e.g., timetable issues, communication challenges or, as a sign of exploitation; he/she may have been told or threatened by her employer not to talk with other employees on jobsites. In cases like this, further action should be considered, e.g., depending on the context, contacting the employer or authorities, and, at a minimum, leave informational leaflets on where to get information on their rights as foreign employees and whom to turn to in case of difficulties. The questions below are designed to uncover risk factors that make workers vulnerable for exploitation and trafficking.

Identifying the risks of labour exploitation or trafficking – direct discussions with workers:

- How did you find out about the job?
- Before starting this job, did someone explain to you your rights as an employee in the country that you are working in?
- Before starting this job, did someone explain to you the general terms and conditions of employment (working hours, pay rate, etc.) and who to turn to in case of difficulties?
- Have you been given adequate orientation and work guidance?
- Are the terms of employment part of a written contract in a language that you understand? Have you signed another contract with the same employer and for the same job but with different terms of employment?

- Where do you live? Shared housing? Who is the landlord? Is the accommodation dependent on working for the employer? Can you resign from the accommodation provided by your employer without incurring extra charges and without the deductions for that purpose continuing?
- Do you have a safe space for your important documents such as travel documents and passport? If you have voluntarily given them to someone for safekeeping, do you have access to them whenever you want them?
- How do you commute to work? If the transport is provided by a private entity, do you have to pay for it/is the amount deducted from your salary?
- Have you been charged a fee to secure the job? Have you had to either wilfully or unwilfully pay a third party in order to be employed? (Workers who pay fees to secure their employment are more vulnerable to debt bondage)
- Did you have to borrow money or take out any loans in order to pay for the expenses incurred in the work permit application process, or in connection with travel arrangements to the destination country?
- Have you had any problems receiving your pay and/or official payslips?
- Do you know how much money per hour/month you should be earning according to the law?
- Do you know what are legitimate deductions made from your salary and in contrast, which may be illegitimate?
- Have you ever had to work while you were ill? Are you paid sick leave in case you fall ill? Do you know what to do or where to turn to in case of illness?
- How often do you have a day off? Do you ever have two or more consecutive days off?
- Have you had any paid holiday?
- Are you informed of your working hours in a timely manner? Are the working hours listed in a shift schedule that is up-to-date, accessible and comprehensible?
- Do you get compensation for working overtime? In other words: do you get extra money if you work in the evenings or during the weekends? What about if you work for more than 8 hours per day or 40 hours per week – do you get any extra money then?

- Do you consider the working environment to be safe and do you have adequate protective gear/equipment/garments to perform your job without any risk to your health? In other words: has the employer given you, or provided funds to buy yourself, any protective clothing or did you have to pay for them yourself?
- Have you been pressured into doing tasks or a job you did not want to consent to do/are not covered by your contract/for which you do not have qualifications?
- Do you know where to report problems you may face at work?
- Do you have anything to add or comments related to your working conditions or work in general?
- Do you have any other questions or comments?

Further reading and useful links:

An exhaustive list of indicators to identify victims of human trafficking: http://www.ihmiskauppa.fi/en/information_on_helping_victims/identifying_victims_of_human_trafficking

An exhaustive list of signs labour exploitation and trafficking in recruitment and employment, at workplace and in housing (p.22-23): https://www.heuni.fi/material/attachments/heuni/reports/aUBaR9OYb/HEUNI_report_88c_Guide_for_businesses_and_employers_1405.pdf

Ethical Trading Initiative: Managing Risks Associated with Modern Slavery – A Good Practice Note for the Private Sector (E.g. Tool 2 provides a detailed list of fees that must be covered by the employer): <https://assets.cdcgroup.com/wp-content/uploads/2018/12/03105819/Managing-Risks-Associated-with-Modern-Slavery.pdf>

FRA (2018): Protecting migrant workers from exploitation in the EU: boosting workplace inspections https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-protecting-migrant-workers-boosting-inspections_en.pdf

When suspicions arise...

If you notice that your subcontractor is breaking the law, the police or occupational health and safety authorities must be contacted.

When violence or threats are involved, the national authorities must be contacted immediately.

If you are unsure whether terms and conditions of employment are respected, labour inspectorates, tax authorities, immigration services and employers' organisations can be contacted for consultation and further information.

If you suspect that the terms and conditions of employment are not respected but the worker is unwilling to disclose any information, you can provide a list of organisations that the workers can contact in case they want to discuss their situation more anonymously.

If you suspect someone may be a victim of human trafficking, the national assistance system for victims of trafficking should be contacted.

National authorities may have hotlines or electronic forms through which you can leave tips or information (often anonymously) related to your suspicion of, e.g., tax non-compliance, misconduct or crimes.

