

Migrant Worker

Human Rights Assessment Tool



Global Workplace Rights



If you have questions about human rights or related issues, contact the Global Workplace Rights department at humanrights@coca-cola.com

Why Conduct a Human Rights Due Diligence Assessment?

The Company's success is built on high standards of quality, integrity and excellence. We are committed to being a valued member of the communities in which we operate. Our Human Rights Statement, Workplace Rights Policy and Supplier Guiding Principles confirm the Company's commitment to respecting the human rights of our employees, those in our supply chain and in the community.

There is an increasing expectation from our customers and from the public that we will demonstrate our respect for human rights across our value chain. This expectation includes understanding the possible human rights impacts of our business relationships and actions, including agriculture, plant siting, production and product distribution.

Each step in our value chain has different risks and challenges that may also vary regionally. By conducting a human rights assessment at the outset, we can identify and mitigate human rights risks upfront. If an issue is identified, community engagement should be at the heart of any mitigation strategy.

Case Study

In 2008, a supplier of a global sports company in Malaysia was found to be exploiting migrant contract workers. Hundreds of workers were employed from Bangladesh, China, India, Indonesia, Myanmar, Nepal and Vietnam and their passports were taken upon arrival. The workers had to pay for recruitment and work permits and were housed in unacceptable living conditions. In reaction, the company took a number of steps to ensure workers were reimbursed and all fees, including airfare, would be paid by the employer. The company began working with a local NGO to improve treatment of migrant workers in all Malaysian suppliers.

How Do I Use This Assessment Tool?

The purpose of this Assessment is to identify the potential human rights-related risk as the result of migrant labor activities. The Assessment questions will require you to identify:

- ✔ Low risk activities
- ▲ High risk activities

A low risk identification means that there is a low human rights-related risk with respect to that activity and further action may not be necessary or that a limited and manageable response action may mitigate or eliminate the risk. A high risk identification, on the other hand, suggests that further inquiry or action may be needed in order to mitigate against potential human rights-related risk. In the case of a high risk identification, one or more of the following actions could be taken:

- Perform the action (or stop the current action) suggested in the assessment question.
- Obtain further information about the subject matter before determining next steps.
- Contact internal subject matter experts (SME) (e.g., Global Workplace Rights, Legal, Environmental, etc.) for further guidance on addressing the situation.
- Engage third party provider

This human rights self-assessment tool focuses on the principal indicators of potential human rights impact. The questions are not exhaustive and local conditions may require examination and remediation of additional factors.

Migrant Workers

Migrant labor is a prevalent phenomenon in many countries and in many ways good for migrant workers and their families, but if poorly managed can result in exploitation and the abuse of worker rights. Employees may be recruited from their home countries to host countries through a network of labor contractors and a sponsorship system against their will through human trafficking. Recruitment agencies can offer valuable service, but some of the less reputable firms can render workers vulnerable to being in bonded forced labor as they become trapped by debt incurred to pay recruiters, by visa and work permit regulations that bind them to a particular workplace, and by limited access to host country law enforcement. (See also Contract Labor human rights checklist.)

This checklist identifies key areas for employers to monitor when employing migrant labor. The intent is to respect human rights of migrant workers and thus avoiding instances of forced labor, including human trafficking, by ensuring migrant workers receive full disclosure prior to hire, that they are provided a safe and healthy work environment, and that their freedom of movement is not impeded.

Complicity

Complicity refers to when a company knew, or should have known, that a business partner or supplier was engaged in human rights abuses and, as a consequence, it indirectly contributed to a human rights violation. The concept is relevant when dealing with labor recruiters or brokers and highlights the need to undertake human rights due diligence.

Case Study

In 2008, the National Labor Committee reported strikes at a factory in Jordan, which employed 1,400 migrant workers from South Asia. Workers reported passport withholding, physical abuse by management, unpaid overtime, no days off, threats of imprisonment and forcible deportation for speaking out. All 1,400 workers went on strike and 10 days later, the factory management conceded to worker demands. Workers were paid back wages, provided free medical care and abusive supervisors were terminated.

The Human Rights Due Diligence Assessment

KEY:

✓ Low risk activity

▲ High risk activity

☑ Perform Action

📄 Obtain further info

📞 Contact SME

↔ Engage 3rd party

Recruitment

The facility should formalize arrangements with licensed recruitment agencies to avoid fraudulent practices

1. Is there a policy that sets out allowable fees and who is the responsible party for, e.g., recruitment, fees, renewal, work or exit?
YES ✓ NO ▲ ☑ 📄 ↔
2. Is the use of subagents prohibited?
YES ✓ NO ▲ 📄 ↔
3. Does the facility ban recruitment or transport of workers by threat, force, coercion, deception or abduction?
YES ✓ NO ▲ ☑ 📄 ↔
4. Are all employment fees paid by employer (recruitment, visa, medical, etc.)?
YES ✓ NO ▲ ☑ 📄

Passports

Workers should have full control over or access within 24 hours to their passport and similar documentation to ensure mobility is not restricted

5. Do the migrant workers maintain access their own passports or similar documentation?
YES ✓ NO ▲ ☑ 📄 ↔ ✍

Employment terms:

Workers should be provided employment terms in advance of employment to avoid deception or misunderstanding which may result in forced labor situations.

6. Does the facility require employment terms to be communicated in worker's home country and in the local language?
YES ✓ NO ▲ ☑ ↔

7. Does facility ensure that no additional terms or requirements are assigned after the employment contract is signed?
YES ✓ NO ▲ ☑
8. Are workers paid directly at least the legal minimum wage for hours worked and legally mandated benefits?
YES ✓ NO ▲ ☑ 📞
9. Is there a clear process to ensure workers are not discriminated against?
YES ✓ NO ▲ ☑
10. Is the safe and timely return of migrant workers with all pay/benefits guaranteed?
YES ✓ NO ▲ ☑

Work Environment

11. Are work hour regulations complied with?
YES ✓ NO ▲ ☑
12. Are adequate health and safety measures in place and do migrant workers have unrestricted access to facilities (canteen, restrooms etc.)? YES ✓ NO ▲ ☑
13. Are migrant workers treated equally in promotion, compensation, dismissal or other employment decisions?
YES ✓ NO ▲ ☑
14. Do migrant workers have access to a grievance mechanism?
YES ✓ NO ▲ ☑
15. Are the freedom of association rights of migrant workers respected?
YES ✓ NO ▲ ☑