

Tool 7: Questions to ask during an audit to identify labour violations

The tables below list the type of questions organisations should ask during an onsite inspection or audit. These questions can also be adopted to other supplier engagement and risk assessment processes. Tables 1-3 are indicators of involuntariness imposed on workers and table 4 refers to penalties to which workers may be subject.¹

TABLE 1: INDICATORS OF FORCED LABOUR THROUGH RECRUITMENT PRACTICES

- Were any workers born or descended into "slave" or bonded status?
- Were any workers abducted, confined during the recruitment process, or sold into this job?
- Were any workers recruited through some form of debt arrangement, such as an advance or loan, which they are working to pay off?
- At the time of recruitment, were any workers told they would be doing work of a different nature from the work they are currently performing?
- At the time of recruitment, were any workers promised certain working conditions, employment contract terms, living conditions, job locations, employers, or wages/earnings that are different from what they actually receiving?
- At the time of recruitment, were workers offered marriage as an incentive?

TABLE 2: INDICATORS OF FORCED LABOUR THROUGH WORK AND LIFE UNDER DURESS

- Are any workers working excessive overtime beyond legal limits?
- Are any workers forced to work "on call" (day or night)?
- Does the employer restrict workers' freedom of movement or communication with others inside or outside the workplace?
- If workers' lodging is provided by the employer, are the living conditions degrading?
- Does the employer force workers to engage in illicit activities, to work for his/her private home or family, or to take addictive drugs?
- Does the employer impose or inflate workers' indebtedness through means such as falsifying work records, inflating prices for goods that workers are obliged to purchase, reducing the value of goods or services produced by workers, charging excessive interest on loans or advances to workers, etc.?
- Are any workers dependent on the employer for housing, food, and other necessities?
- Do any workers have dependency relationships with the employer that go beyond the job, e.g., personal relationship, dependency on the employer for family members' employment, etc.?

TABLE 3: INDICATORS OF FORCED LABOUR THROUGH IMPOSSIBILITY OF LEAVING

- Do any workers feel they do not have freedom to resign the job because of training other benefits they have received from the employer?
- Can workers terminate employment at any time, without penalty (except as provided by law)?
- Do any workers feel compelled to stay in the job because they are waiting for wages they are due?
- Are any workers working for an excessive or indefinite period of time in order to repay a debt or advance from the employer or recruiter?

¹ "Reducing Child Labour and Forced Labour: A toolkit for Responsible Business", US Department of Labour, available at: <http://www.dol.gov/ilab/child-forced-labor/step5/index.htm>

TABLE 4: INDICATORS OF PENALTIES OR THREATS

If any of the indicators listed above are present (note that any one indicator is enough; one is not needed from each table), the auditor should examine whether penalties or threats are being used to exact labour. If so, the situation may constitute forced labour:

- Does the employer (or recruiter) threaten to turn workers over to government authorities (e.g. immigration authorities)?
- Has the employer (or recruiter) taken possession of workers' identity papers or travel documents?
- Does the employer restrict workers' communication, such as by confiscating mobile phones, isolating workers from others, locking workers in the workplace or living quarters, or constant surveillance?
- Does the employer (or recruiter) perpetrate or threaten any physical or sexual violence against workers including violent punishment of one worker in front of other workers?
- Does the employer punish or threaten to punish workers through any other means, such as deprivation of food, water or sleep, or make threats against their family members?
- Does the employer (or recruiter) threaten to remove privileges such as promotion potential?
- Does the employer threaten further deterioration in working conditions?
- Does the employer (or recruiter) exploit religious or cultural beliefs to threaten workers?
- Does the employer (or recruiter) withhold workers' assets, such as personal property, cash, etc.?
- Does the employer withhold workers' pay?
- Does the employer threaten to fire/dismiss workers?
- Does the employer threaten extra work for workers who do not cooperate?
- Does the employer threaten financial penalties?
- Does the employer (or recruiter) threaten to withhold future employment opportunities, to impose financial penalties, to exclude workers from social or community activities, or use any form of blackmail to coerce workers?