**Principle 2: Workers Are Free from Forced, Trafficked, and Child Labor**

Workers are not subject to forced, coerced, trafficked, bonded, child, or involuntary labor of any form.

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**Introduction**

Applying the Building Responsibly principles in practice will be unique in every instance. This guidance note offers discussion around the potential issues and challenges faced and offers suggested good practice options for the implementation of each principle in the Key Components for Consideration section.

Construction is still largely dependent on manual labor, including low-skilled labor. This kind of labor may be subcontracted, and labor agencies may be used to meet aggressive program schedules, predisposing the sector to high risks of labor exploitation. An estimated 7 percent of the global workforce is employed in construction, yet the sector accounts for 18 percent of all identified cases of forced labor.

**Indicators of Forced Labor**

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Abusive working and living conditions
- Excessive overtime

**Key Terms and Definitions**

- **Forced Labor**: Work or service exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily. This definition consists of three elements:
  - “Work or service” refers to all types of work occurring in any activity, industry, or sector, including in the informal economy.
  - “Threat of a penalty” refers to a wide range of penalties used to compel someone to work. In the construction sector, examples of this include withholding wage or overtime payments to obtain work.
  - “Offered himself or herself voluntarily” refers to the free and informed consent of a worker to take a job and his or her freedom to leave at any time.

- **Coercion**: Threats of serious harm or physical restraint, psychological manipulation, document confiscation, and shame- and fear-inducing threats to share information with others.

- **Trafficking**: The recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

- **Bonded Labor**: Also known as debt bondage, this occurs when a person is forced to work to pay off a debt.
» **Child Labor**: Work that deprives children of their childhood, potential, and dignity and is harmful to physical and mental development.

**Key Challenges**

**Lack of Visibility of Vulnerable Workers**
Given the complex nature of the subcontracting chain in major infrastructure projects, companies may have limited or no visibility into the debt status, pay level, mental state, and other on-the-ground realities related to the conditions of the most vulnerable workers in at-risk geographies. Even with audits, grievance mechanisms, or other communication channels, workers may conceal their abuses out of fear of retaliation or because they are not aware of their rights and protections.

**Limited Awareness of Forced Labor**
Given the complex nature of the exploitative practices that lead to forced labor, companies may find it challenging to identify victims of illegal trafficking or forced labor.

**Recruitment Fees**
When workers must pay to secure their jobs, they are liable to accrue significant debt and spend the first months and even years of their jobs paying back their recruiters and other intermediaries. This debt bondage affects half of all victims of forced labor imposed by private companies. Exploitative recruitment practices can be commonplace, can lack an adequate paper trail, and can have complex and non-transparent migration paths. In addition, many workers believe that it is acceptable. Because of these factors, engineering and construction companies can find it difficult to identify unethical recruitment and face challenges remedying it when they do.

**Migrant Workers**
Migrant workers are particularly vulnerable to exploitative labor contracts, especially when contract terms are in a language not clearly understood by workers. This is compounded by the challenging situation in their home countries and regions and their low levels of literacy and rights awareness.

**Legal or Cultural Norms**
In some countries, workers’ mobility and access to personal documentation is restricted by law or in practice. The challenge for companies is to manage these restrictions that are contrary to international and national standards and ensure they have minimal negative impacts on workers’ rights and mobility.

**Hazardous Work and Child Labor**
The employment of young workers on construction sites is challenging as many activities conducted are hazardous by nature because they involve demanding physical labor, work at height, or heavy machinery.

**Key Components for Consideration**

- Companies should have policies and systems in place that address child labor, forced labor, human trafficking, and/or the indicators of these, including sanctions on violators.
- Where possible, to reduce the risk of human trafficking and related forced labor indicators, companies should prioritize local recruitment over international recruitment, where risks of cross-border exploitative practices are higher.
- Where there is a reliance on low-skilled migrant workers, companies should conduct thorough due diligence processes on recruiters and specific training for staff.
Where young workers are employed, companies should ensure that they have a robust system in place for age verification and have clearly identified the non-hazardous activities that young workers can undertake.

Where possible, companies should require minimum rates of pay in contract conditions with subcontractors or with suppliers recruiting labor, where these are stated in the tender process.

Companies should provide workers with unrestricted access to their personal documentation (see GN7).

Companies should provide workers with complete freedom to leave the work relationship at any moment, provided they respect the relevant notice period (see GN7).

Companies should ensure and verify that workers have voluntarily consented to their role, employment contract, working hours, and overtime.

Companies should ensure that all workers meet the minimum working age under the relevant legislation, but in no case less than the ILO general minimum age – regardless of local custom or laws.

Tools and Resources

» ILO, General principles and operational guidelines for fair recruitment and definition of recruitment fees
» ILO: What is forced labor, modern slavery and human trafficking
» ILO Helpdesk for business on International Labor Standards – Forced Labor
» Sedex Guidance on Operational Practice & Indicators of Forced Labor
» Lexis Nexis, Hidden in Plain Sight – Modern Slavery in the Construction Industry
» ILO, Alliance 8.7: Global Estimates of Modern Slavery