**Principle 7: Access to Documentation and Mobility is Unrestricted**

Workers have access to passports and personal documentation at all times. Workers shall have freedom of movement outside normal working hours, unless there are legitimate safety or security issues that might threaten the health, safety, or well-being of the worker.

**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.*

In many countries where large infrastructure and construction activities are taking place, workers’ mobility and access to personal documentation is restricted by law or in practice. These practices are often associated with forced labor. The challenge for companies is to manage these restrictions while ensuring minimal negative impacts on workers’ rights and mobility.

In addition, when workers migrate for work, whether internally or internationally, their right to work and reside in one location can be regulated by strict administrative requirements. As a result, workers might become vulnerable through their reliance on third parties—their employers or recruitment intermediaries often manage the administrative steps that are needed to secure visas, permits, licenses, or any other local identity documents.

**Key Terms and Definitions**

- **Access to Documentation**: Allowing worker’s access to their passports or other identity or personal documentation at all times without having to rely on a third party or follow a request process.

- **Document Retention**: The practice through which employers retain a worker’s personal documentation. The retention of workers’ documents is linked to workers’ not being able to leave their job or change employer. It also prevents workers from returning to their home country, making them more vulnerable to exploitation.

- **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. The retention of workers’ personal documentation and the requirement to work to pay off debt accrued in securing a job are indicators of non-voluntary and potentially debt-bonded and forced labor.

- **Mobility**: Mobility refers to the possibility for workers, when they have completed their daily working hours, to move freely outside of their workplace or worker accommodation. Such mobility is generally exercised to go back home, run errands, and go to private and public places for any reason (shopping, socializing, entertaining, etc.) when workers live in employer-provided accommodation.

- **Workers’ Personal Documentation**: Workers’ personal documentation in this context refers to identity documents such as workers’ passports or any other forms of identification, driving license, work permits, and bank cards or other financial documentation, vocational, or academic documentation.
Key Challenges

Managing Administrative Processes
Companies routinely require access to workers’ personal documentation for legitimate administrative or legal purposes, such as the renewal of visas or work permits. During this time, it can be difficult for workers to retain access to their personal documentation.

Safekeeping of Workers’ Personal Documentation
In some countries or locations, particularly where there are exceptional security concerns, safekeeping of workers’ personal documentation is important. Measures might involve storing workers’ passports or travel documents. As a result, workers’ access to their documents might be temporarily limited.

Measures that Limit Mobility
Where a legitimate risk to the health, safety, and security of the workers or the surrounding communities exists—especially around worker accommodation—companies may need to take measures to restrict workers’ mobility to ensure the workers’ and communities’ health, safety, and security.

Restrictive Laws
In some jurisdictions, workers are required to secure approval from their employer to change jobs or exit the country. In such cases, companies may restrict workers’ freedom of movement or right to work to ensure that workers are not negatively impacted by such restrictive laws.

Key Components for Consideration

☑ Companies should strictly prohibit the confiscation of workers’ personal documentation or undue limitation of worker mobility by business partners and should implement strict mitigation measures.
☑ Companies should ensure that workers have unrestricted and immediate access to their passport and personal documentation.
☑ Companies should prefer safekeeping of passport and personal documents to be handled directly by workers. In any instance where workers do not retain their personal documentation, companies should provide them with photocopies.
☑ Where worker personal documentation is temporarily required by companies, whether for legal or administrative purposes, the company should obtain the consent of the worker in writing, and documentation should be returned as soon as it is no longer required by the company.
☑ Companies should have policies and procedures in place to manage workers’ access to documentation and mobility. Policies and procedures should aim to justify and minimize the impacts of any restrictions.
☑ Where possible, companies should clearly inform job candidates of any processes involving the management of personal documentation or limitations on mobility prior to recruitment and deployment, to ensure that potential employees can decide whether such conditions are an acceptable part of the employment.
☑ Where possible, companies should provide workers with personal safe storage facilities that are always accessible.
☑ Companies should provide workers with complete freedom of movement outside of working hours, unless restrictions are required for legitimate safety or security reasons. In such cases, companies should ensure that restrictions are strictly limited to measures necessary to preserve and protect workers’ and communities’ health, safety, and security.
☑ Where possible, companies that operate worker accommodations that are distant from malls, parks, or other areas where workers can socialize should strive to limit the negative impact of such distance by providing easily accessible and safe transportation.
About Building Responsibly

Building Responsibly is a group of leading engineering and construction companies working together to raise the bar in promoting the rights and welfare of workers across the industry. We have come together to foster and ensure a better working environment for workers in the engineering and construction sector. Doing so will allow us to more effectively respond to client, stakeholder, and regulatory expectations and manage a healthier, more productive workforce.

For more information and resources to support implementation of these Principles, visit www.building-responsibly.org.

September 2019