



# Migrant Worker Management Toolkit: A Global Framework

Managing Workers and Protecting Rights

BSR

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## About This Toolkit

This management tool for multinational companies and employers provides guidance on how to better manage migrant worker issues, from managing risks to better protecting migrant workers' rights.

This toolkit is:

- » A product of the Malaysia multistakeholder initiative and two factory pilot projects that included engagement and training with workers and factory management
- » Focused on regulation, recruitment, post-arrival orientation, and grievance procedures and represents consensus areas among union, civil society, brand, and employers during multistakeholder initiative
- » Intended for a broad audience, including employers or suppliers, multinational brands, and other relevant stakeholders (government, NGOs, and unions).

## Global and Local

This global framework for employer engagement on labor migration issues can be applied in national and local contexts around the world. It provides guidance and clear recommendations in areas of utmost importance to workers and relevance for business. The goal is for this toolkit to be taken up by employers globally and applied at a country level.

Finally, the common point of reference throughout this document is Malaysia because of its role as the host country for the field component of the initiative and this pilot. It is intended to serve as a 'blueprint' for how this framework may be applied at a country level.

## Primary Audience

The main challenge is interaction between supervisor and worker—where change should originate. Human resources management at factory level, supervisory-level factory management, and workers are the primary audience.

## No One Way

There is no single, correct way to address migrant worker issues. Exact approaches will vary based on the country, industry and factory. This tool provides overarching guidance that companies can apply based on their needs and operating context.

## Version 1.0

BSR plans to build on this version 1.0 toolkit in the future with additional chapters that address other pressing international labor migration issues for workers and business.

The toolkit is aligned with BSR's "Good Practice Guide: Global Migration" and is intended to support employers aiming to adopt these practices. The toolkit will continue to evolve as the initiative's work continues.

## Customer Requirements

The employer's primary responsibility is to meet customer requirements relating to migrant workers. In addition to using this toolkit as a means of adopting "good practices," employers can use this toolkit to meet customer requirements and corporate policies related to migrant workers. The requirements put forth in brand codes of conduct and corporate policies may in *some* cases not match the recommendations in the toolkit, and the primary responsibility of the employer is to meet customer requirements.

## How to Use It

- » "How to" process guidance at each phase
- » Practical guidance for each area
- » Narrative examples for each area

In addition to guidance in these three areas, the toolkit provides practical information on the legal environment and awareness-raising—a first step for any employer looking to become more responsibly engaged with these issues. This starting point may be restricted to employers and workers, or it may include other relevant stakeholders, such as brands and civil society partners. This toolkit also highlights areas where partnership is strongly recommended.

The toolkit articulates a management approach to migrant workers that is an *ongoing* process—just as the global migration cycle is ongoing. This is not an issue that simply "gets fixed" once by following a step-by-step process, but rather requires an ongoing systematic approach that this toolkit informs.

The toolkit is built on a three-step framework: educate, partner, and build capacity.

### **EDUCATE**

First, the most important issues must be identified and understood.

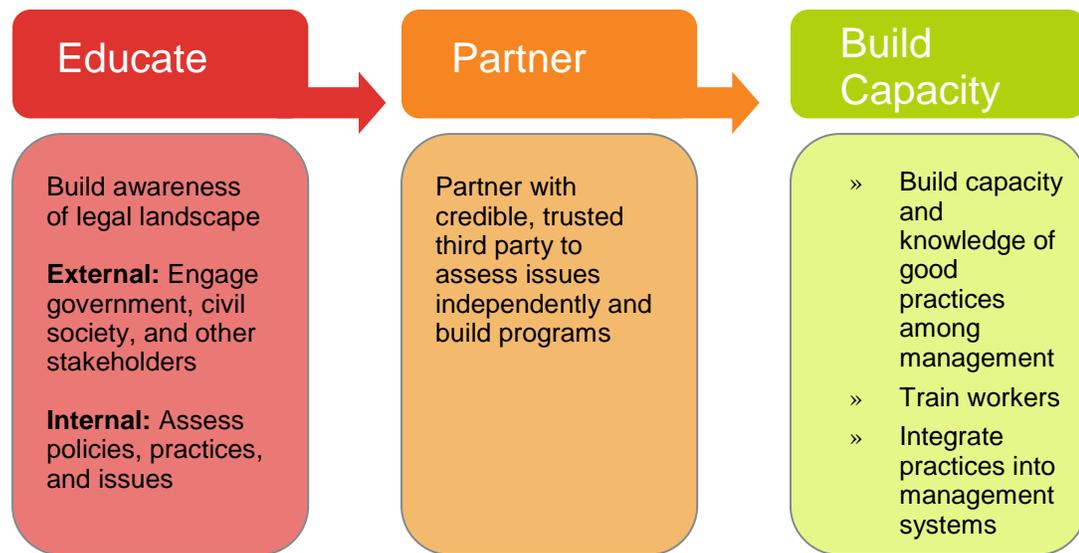
### **PARTNER**

Second, partnership with a credible, trusted external organization will help an employer assess challenges objectively and build programs to address the key areas—in this case pre- and post-arrival orientation programs and a grievance mechanism.

### **BUILD CAPACITY**

Last, through partnership, the employer should build capacity among factory management, staff, and workers.

### Three-Step Framework



### Making the Business Case for Engagement

Proactive company engagement on migrant worker issues requires an upfront investment of time and resources. Management must be committed at all levels, including human resources and senior management, for these three steps to yield benefits for both the company and workers.

This approach toward migrant worker management offers three major benefits:

1. Understanding important legal requirements and their implications puts a company in a better position to manage risk proactively. Establishing credible partnerships with outside organizations helps the company jointly manage risk.
2. Building knowledge and skills capacity among the migrant workforce and supervisory level staff promotes a more stable work environment.
3. Promoting a more worker-centered environment in which rights are protected enables the company to recruit and retain higher quality workers—strengthening the factory’s most important asset.

### The Backbone of the Toolkit: Key Concepts

The concepts outlined below illustrate key concepts, as well as important management steps that serve as the basis of this toolkit. Although each employer and employee relationship is different, and situations and needs vary across organizations, these building blocks make up a solid framework to get started.

Tools will often have to be organic—factory-specific tools developed and applied based on the operating context. For example, when considering capacity-building programs, employers will have to take into account the baseline worker education levels, capacities and possible existing programs to determine how best to relay information and build skills.

## **ENGAGEMENT-DRIVEN DIALOGUE: WORKERS AND FACTORY MANAGEMENT**

Dialogue at both the worker and management levels is necessary. The toolkit is based on consultations with factory workers and frontline of management within factories, including visits to worker dormitories, in-factory worker interviews, and supervisory-level assessments and consultations with factory management.

## **UNDERSTANDING AND MEETING THE UNIQUE NEEDS OF MIGRANT WORKERS**

Employers should recognize the unique needs of migrant workers and the paths they take to employment. They are away from a familiar home environment, grappling with a new work and living environment, and often uncertain of how to relate to both life *and* work in the receiving country. Language and cultural barriers can also be daunting.

## **CLEAR COMMUNICATION ENABLES EMPLOYER AND EMPLOYEE OPPORTUNITIES**

Scarcity of jobs in their countries of origin drives migrants to take up work overseas. Industry, meanwhile, relies on migrant workers to meet market demands and sustain its profit margins.

## **QUALITY PRE- AND POST-ARRIVAL ORIENTATION: A HUMAN FRAMEWORK**

Major gaps in orientation information are common—such as the difference between workers’ pre-employment expectations and actual employment realities. Employers should provide workers information that enables them to both uphold their responsibilities and protect their basic rights. Frontline supervisors should become more aware of these workers’ unique needs and learn to adapt their management and interpersonal relations styles.

Employers should be committed to improving the management of migrant workers at all levels to succeed. Frontline supervisors must also be supported by human resources and senior management. These policies will establish a workplace that is more conducive and enabling for the workers—ultimately improving productivity while making the workforce more stable for employers.

## **ENABLING CONTINUED DIALOGUE THROUGH GRIEVANCE PROCEDURES**

At times the grievance process can be challenging for migrant workers. Challenges often stem from a lack of knowledge, ignorance, poor grievance system transparency, or culture and language barriers. An approach tailored to migrant worker grievance can reduce fear by reassuring the worker that issues will be addressed in an anonymous and transparent manner.

Partnerships between workers and employers should be built based on openness, transparency, information sharing, and the establishment of clear grievance procedures. These procedures underline an environment in which worker and employer rights and responsibilities are clearly established and there is a collective commitment to basic dignity and respect, as well as business productivity and efficiency.

## **JOINT RESPONSIBILITY**

This toolkit promotes responsible and informed engagement, policies, and practices among employers while aiming to enable worker empowerment. It bridges some of the common “rights gaps” before a worker arrives at the factory rather than in response to problems later on.

Factory management can lead by providing an orientation program and grievance process that is worker-centered, thereby improving the relationship between workers and management. It is the joint responsibility of both

management and workers to demonstrate commitment and initiative to respond to these opportunities and take collective responsibility to become more informed and empowered.

## Educate: Understand the Country Context

Though many migrant worker issues are common globally, a responsible approach to managing migrant workers is built on a strong awareness and understanding of key issues and risks affecting employers and workers at both the national and local levels. Relevant local legal issues form the baseline for responsible migrant worker management.

### Legal Framework

#### Relevant international standards include:

- » ILO No. 97 Migration for Employment Convention
- » ILO No. 143 Migrant Worker Convention
- » ILO No. 105, Convention Concerning the Abolition of Forced Labour
- » ILO No. 181 Convention on Private Employment Agencies

#### Work Permits in Malaysia

The work permit in Malaysia comes under the purview of the Immigration Act. Employers *only* may apply for a work permit. The worker must have a legal and valid document, usually a passport, from the worker's home government. Workers arrive into the country on a calling visa. After they have entered Malaysia legally, the employer can apply for the work permit, within 3 months of arrival.

In most cases, adhering to applicable legal frameworks does not ensure basic protections for migrant workers as local, national and regional legal frameworks often do not adequately protect migrant workers. Legal awareness and compliance are starting points, and implementing practices such as those highlighted in this document as well as those required by customers will help address legal requirements, identify gaps in legal protections, and help to begin addressing those gaps.

#### CHECKLIST

Area	Key Tasks
<b>Customer Requirements</b>	Identify and clearly understand customer requirements related to migrant workers, which may extend beyond applicable legal requirements
<b>Legal Framework</b>	Identify relevant laws and regulations, including applicable international standards
<b>Recruitment</b>	Identify legal recruitment fees and establish clear terms with recruitment agency or labor agent
<b>Employment Documentation</b>	Develop a template contract based on legal requirements and good practice
<b>Medical Examinations</b>	Establish clear nondiscriminatory medical examination policy and brief workers about it
<b>Living Conditions</b>	Establish clear decent living standards and monitor regularly
<b>Right to Redress</b>	Assess laws and regulations related to redress and develop a mechanism that provides transparent access to redress and protects against retribution
<b>Wage Deductions</b>	Ensure that wages are deducted only with worker consent and that deductions are <i>not</i> in excess of legal recruitment fees
<b>Workplace Safety</b>	Ensure workers receive equal protection under OHS laws and regulations

Understanding the legal framework that outlines the rights of workers and responsibilities of employers and governments in sending countries (where workers are being recruited) and receiving countries (host to the employer's factory) is the first step toward protecting workers' rights and identifying risks for the employer and worker.

Relevant International Labour Organization (ILO) standards represent the global benchmark in all areas, but few countries in Asia, the Middle East, and North Africa—important regions for global migration—have ratified the relevant

conventions. The legal framework serves as a foundation for both the development of a post-arrival orientation program and grievance mechanism.

### RECOMMENDED STEPS

- 1 Identify and consult relevant government departments, ministries, and bureaus
- 2 Identify and engage relevant civil society groups and other informed stakeholders
- 3 Cross-reference laws and regulations with customer requirements and company policies and practices to identify gaps

National legal frameworks are often weak and/or rife with ambiguities when it comes to protecting migrant workers' rights. National laws and regulations are important to establish a legal baseline on all key issues, but further consultation with other national stakeholders, including leaders in civil society, are necessary to address possible gaps.

### PRACTICAL QUESTIONS

- » What is the legal status of migrant workers in the receiving country?
- » Are there clear laws and regulations that protect migrant workers?
- » What are these core laws?
- » Do these laws offer clear protections or confusion and contradictions?
- » Is there poor legal implementation where legal protections do exist?
- » Is there discord between national laws and relevant international standards (e.g., UN ILO and UN Declaration)?

If the national frameworks in sending and receiving countries do not address key rights or if implementation has historically been weak, the employer should determine how company policies will supplement national laws to address the “protection gaps” for its workers.

#### Legal Framework in Malaysia Puts Migrant Workers at Risk

Malaysia is a large destination country for the recruitment and employment of migrant workers. According to government sources, there are 2.2 million documented migrant workers in the country. Many organizations claim that there are more than a million undocumented workers in the country and more than 100,000 refugees who are not recognized, and thus treated as “illegals” or undocumented. Thus the number of migrant workers may be as great as 3.5 million workers recruited from 14 countries—approximately a third of the total national workforce.

Many people believe the Malaysian government's policies toward migrant workers and their families could better protect their rights. Malaysia has many regulations but enforcement is relatively weak, highlighting the need to complement strong regulation with strong legal enforcement.

**Employers should be aware of several important issues at a legal level:**

#### Recruitment

Employers are responsible for ensuring that contracted recruitment agencies do not exploit workers and charge fees in excess of legally permitted amounts. This practice can lead to workers borrowing excessively and lead them into excessive debt or even a debt bondage situation prior to arrival.

Workers are often falsely promised wages and benefits only to find out that they are not able to earn the wages they hoped for and are unable to send their families the remittances they expected. The worker discovers that deductions are high and he is unable to cope with this reality.

The employer must work transparently with the local recruitment agency. This could include clearly stated terms in the agent's contract related to fee limits and use of subagents in the recruitment process. Through a transparent recruitment process, the potential migrant worker and the family or legal guardian should understand the recruitment process, the kind of work the migrant will be involved in, policies on document or passport withholding, conditions of work, and terms of employment (including wages) prior to leaving the sending country.

### RECOMMENDED STEPS

1	Identify legally permitted recruitment fees
2	Assess regulations related to labor agents (e.g. are receiving country agents legally permitted?)
3	Know where your workers come from and the migration path they take to the factory floor
4	Establish contractual terms directly with recruitment agencies in line with local laws and customer and company standards

Please see the [BSR ILM Good Practice Guide](#) for further guidance on contracts, fees, and procedures for managing recruitment agencies.

### PRACTICAL QUESTIONS

- » Are you recruiting workers directly through a labor agent?
- » What are the terms of your contract with that agent?
- » How many agents and subagents are involved in the process?
- » What average fees are your workers being charged?
- » Do you have a system for monitoring agents?

### Employment Documentation

It is fundamental to understand the employment, basic labor, and human rights of migrant workers; responsibilities of employers; and the relevant laws that enshrine these rights and responsibilities. This documentation usually takes the form of an employment contract. The contract should be fully transparent, explained thoroughly to the worker prior to departure from the sending country and before he signs it, and consistent with the contract on file in the factory.

### RECOMMENDED STEPS

1	Develop a template work permit or employment contract in line with national and local laws and regulations
2	Validate employment contract or work permit with relevant government department or bureau
3	Present work permit template during recruitment to prospective worker and the worker's family

**BSR recommends employers surpass national and local requirements, and ensure migrant worker contracts meet the requirements as outlined in the BSR Good Practice Guide (see particularly section 4 on recruitment).**

## PRACTICAL QUESTIONS

- » Do workers have the appropriate permits?
- » Are workers and factory management aware of obligations under these rights and responsibilities?
- » Do the permits have to be renewed on a regular basis?
- » What are the requirements for a permit renewal (e.g., annual medical examinations)?

### Contract Contents

- » Worker's full name, date and place of birth, and passport number or equivalent identification
- » Worker emergency contact information
- » Contract duration and conditions of renewal
- » Nature of the work, and the place where it is to be performed
- » Occupational category in which the worker is placed
- » Clearly defined regular, overtime, and holiday wage rates, including maximum allowable overtime hours as consistent with local laws and brand codes of conduct
- » Medium for wage payment
- » Expected regular working hours, overtime hours, frequency of rest days, and holidays, and an estimate of the minimum net pay a worker can expect to receive per month
- » Bonuses, indemnities, and allowances, if any, and descriptions of non-cash compensation and work-related benefits, including medical and social insurance benefits and sick, emergency, and annual leave
- » Conditions under which and extent to which the contractor may deduct from remuneration
- » Description of living conditions, including any applicable costs for food and accommodation and any curfews
- » No terms barring workers' rights to organize or engage in collective bargaining, subject to applicable laws and regulations
- » As applicable, a clear breakdown of travel, medical, travel documents, and other associated costs workers and employers are responsible for
- » The grounds on which a contract may be prematurely terminated
- » The period for reasonable notice for employment contract termination by the worker, not to exceed one month

### Medical Examinations

Medical examinations are sometimes mandatory for migrant workers upon arrival in the receiving country. Though often intended to protect the host country population against the spread of infectious diseases, these examination results can sometimes be used to discriminate against migrant workers. Workers should always be fully briefed about the testing before the examination by either the attending medical personnel or the employer. Workers should also not be charged for mandatory examinations. Full test results should also be shared with the worker following the examination.

If a worker tests positive for any diseases or conditions, he can be deported, sometimes with the simple declaration that he is “unfit for employment.” Workers have a right to all information regarding their health status. If a worker tests positive for a particular condition like HIV/AIDs, it is recommended the employer provide health counseling.

The employer should have an established procedure for managing and releasing confidential worker health information, with one point of contact or gateway for information at the factory level. Human resources staff is often the most appropriate choice to help ensure that confidential health information does not get released to other factory staff who could then use it to discriminate against, unlawfully dismiss or suspend a migrant worker.

## RECOMMENDED STEPS

- 1 Provide comprehensive post-examination consultation and counseling
- 2 Establish a clear company policy for medical examinations for migrant workers
- 3 Brief workers and relevant staff on this policy and the examination procedure
- 4 Share examination results with the individual worker post-examination
- 5 Establish a procedure to properly manage confidential health information

Discrimination that is either sanctioned by law or company policy, based on birth status or diseases, such as HIV/AIDS, shall not be tolerated or practiced by employers. Medical testing policies and procedures should be applied equally to migrant and national workers to ensure no unjust discrimination.

[See BSR Good Practice Guide, particularly section 8 on living conditions and nondiscrimination.](#)

## PRACTICAL QUESTIONS

- » Are medical examinations mandatory?
- » What tests are required?
- » Can female migrant workers be deported for positive pregnancy tests?
- » Does the employer have a process for briefing workers on medical examinations before testing?
- » Does the human resources department have a process for ensuring workers are informed of their medical condition?
- » Does the human resources department offer counseling to workers who test positive for treatable conditions?

### Living Quarters

In Malaysia, regulations under the Local Council Acts require that employers provide decent and safe living quarters for their workers. Because local authorities are inconsistent about enforcing the standards, many employers have not proactively ensured safe, decent living arrangements for migrant workers.

### Living Conditions

Ensuring good, culturally appropriate and expected living conditions is an important part of attracting and retaining quality employees. First and foremost, employers should be aware of any national or local laws governing housing standards for migrant and domestic workers and comply with them. If no such laws exist, policies and procedures should ensure workers a decent living standard. Working and living conditions of migrant workers must align with the standards of fitness, safety, and health and principles of human dignity. All workers, both migrant and domestic, who are housed in dormitory settings, must be treated equally.

## RECOMMENDED STEPS

- 1 Identify national and local laws and regulations governing housing and living standards
- 2 Establish a policy that ensures a decent standard of living for all workers
- 3 Assess living conditions with an independent third-party or civil society partner
- 4 Monitor living conditions of all workers on a quarterly basis

See BSR Good Practice Guide, specifically section 8 on living conditions.

## PRACTICAL QUESTIONS

- » What laws regulate living conditions for migrant workers?
- » Are there sanitation or public health requirements that must be met?
- » Are domestic and migrant workers provided similar living or dormitory arrangements?

## Right to Redress: Grievance

### CONTEXT

Migrant workers are often the most at-risk workers in the factory. Receiving countries often have mechanisms for redress, but numerous factors can challenge access to these mechanisms. For example, in Malaysia, though the right to redress is enshrined in the Immigration Act, when a migrant worker files a case in the Labor Court or lodges a police report against his employer, the employer may cancel his work permit.

Employers should ensure that company grievance policies and procedures adhere to relevant laws. Because of various intended and unintended loopholes in legal frameworks, employers must treat workers justly by resolving issues at the workplace in a timely, fair, and transparent manner. Dismissal should be the final resort when all other avenues for conflict resolution have been exhausted.

Employers should provide avenues within the facility for migrant workers to lodge complaints and seek remedy without discrimination, intimidation, or retaliation, including mechanisms to report violations anonymously. The employer should ensure that workers can raise concerns without financial penalty (e.g. pay for a worker hotline or similar phone services) and establish procedures to regularly review and address grievances.

One major purpose of this toolkit is to provide employers with recommendations on grievance mechanisms that both recognize the unique needs of migrant workers and protect both parties.

## RECOMMENDED STEPS

- 1 Identify relevant laws and regulations on right to redress
- 2 Assess current grievance system and barriers to redress for workers
- 3 Develop a grievance system that does not discriminate against migrant workers and protects against retribution by management

## PRACTICAL QUESTIONS

- » What laws provide for migrant workers' right to redress?
- » Do workers have legitimate access to mechanisms provided by law?
- » Is there a track record for strong implementation of these laws?
- » What policies and procedures does the company have in place to help ensure a worker's right to redress despite legal loopholes?

## Wage Deduction

The policy or practice of wage deduction is a common way that employers recover legally allowed recruitment-related costs from workers over a gradual basis. In some cases, laws may either specifically permit or prohibit this policy or practice. Employers should be aware of relevant regulation. However, regulation, as in Malaysia, can offer conflicting provisions. As a result, employers should have a clear policy and procedures in place to ensure legal compliance, and where there are loopholes, policies and procedures should ensure wages are not withheld against a worker's consent. This policy/practice should also be in line with customer requirements on the issue.

## RECOMMENDED STEPS

- 1 Ensure policy and procedure on deduction of wages is in line with national and local laws
- 2 Cap any wage deductions in line with legally allowed recruitment fees
- 3 Do *not* deduct wages without written consent of workers, and any deductions should be monitored accordingly by employer

See BSR's [Good Practice Guide](#), specifically section 6 on wages and benefits.

## Workplace Safety

Occupational health and safety (OHS) related laws typically cover migrant workers as part of the general workforce. However, policies, procedures, signage, and OHS orientation must be provided in a language migrant workers can understand, as language gaps often put migrant workers at increased risk in the workplace. If workers are illiterate, employers should provide pictorial signage that conveys the same information as written safety signage.

Employers should also ensure that all migrant workers receive standard OHS training as part of their orientation. Migrant workers can sometimes be bypassed because their 'employee on boarding' schedules may differ from that of local workers. If national and local laws do not afford migrant workers the same OHS protections as domestic workers, company policies must still treat local and migrant workers the same.

## RECOMMENDED STEPS

- 1 Ensure migrant workers are represented on OHS worker committee in factory
- 2 Ensure migrant workers receive standard OHS training through employer-wide orientation
- 3 Ensure migrant workers understand rights with regard to compensation and medical care

## Legal Framework Recommendations

In sum, the employer should:

- » Ensure compliance with customer requirements related to migrant workers
- » Complete a full assessment of relevant laws and regulations to ensure company policies and procedures meet basic legal compliance
- » Identify legal loopholes that put migrant workers at increased risk
- » Identify gaps between legal requirements and customer requirements
- » Develop policies and procedures that address legal loopholes and inconsistencies, as well as customer requirements
- » Consult both government and nongovernment stakeholders to validate policies and procedures

## The Transition: From Initial Recruitment to Pre-Departure

Many challenges of managing migrant workers stem from issues that arise during the recruitment phase. As such, the employer's responsibilities begin long before the worker arrives on the factory floor. The movement of a worker from a sending country to a factory floor in the receiving country is a complex process involving many actors. From the local recruitment and labor agent to the local government official to the employer, labor migration is often not marked by transparency or accountability. Often four to five actors are involved before the worker receives his contract, and the employer is often detached from the initial stages of recruitment. Workers, who may have never before left their local area, let alone the country, find themselves in a place where they don't speak the language, they have little understanding of the cultural norms, and they have no knowledge of their basic rights.

### Recommended Steps

#### **RECRUITMENT POLICY**

To begin addressing these issues, employers should have clearly defined and, transparent procedures for managing recruitment. Direct recruitment involving the contractor's human resources staff and prospective workers in the sending country minimize the role of the sending country labor agent, thereby helping control costs and minimizing risks for both the employer and worker. In accordance with applicable laws, employers should always use government registered or legally licensed recruitment agencies when available in the sending country. Use of unlicensed agencies should be strictly prohibited.

**The employer's core responsibilities during the recruitment phase of migration include the following:**

- A Fees**  
Ensure fees and associated costs (related to travel, medical care, and a work permit) do not exceed either the legally allowed amounts and/or customer requirement regarding fees. For more about fees, see section 4 of BSR's "Good Practice Guide: Global Migration."
- B Employment contract**  
Ensure the employment contract given by human resources personnel or labor agent during contract signing and pre-departure is consistent with company standards.
- C Ensure pre-departure orientation includes:**
  - » Description of living conditions and, if applicable, dormitory rules
  - » Contract orientation, including terms (hours, wages, and remuneration)
  - » Required job skills and initial job orientation
  - » Legal rights and responsibilities of worker
  - » Medical examination<sup>1</sup>

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<sup>1</sup> The receiving country often requires a certificate of medical examination before a worker can enter the country or before the country will issue a work permit.

**D Recruitment Agencies**

The employer should conduct pre-selection due diligence on and regular audits of any recruitment agencies or other subagents involved in hiring and placement of migrant workers in both the sending and receiving countries. This should be done to help ensure that recruitment agencies and other agents comply with applicable laws and regulations. Employers should notify customers if any violations are detected and immediately seek to correct the violations, and prevent future violations, or terminate the relationship. The employer (including its employees and representatives) should not accept any reimbursements, kickbacks, gifts, or other compensation from any recruitment agency or other actors involved in the recruiting process.

When selecting the agency or recruitment agency or labor agent, the employer should consider the following as part of the due diligence process:

Agent Evaluation Category	Key Questions
Cost structure of agent or agency	What fees are workers charged? What is policy on loans to workers who cannot afford recruitment fee?
Standard employment contract	Is employment contract consistent with employer requirements/standards?
Geographic sourcing area	What are the local and regional trends in terms of fees workers are charged?
Worker selection process	Are subagents used? And if so, how? What is approach to pre-employment orientation?
Worker selection criteria	What is the method (if any) for skills and knowledge assessment? What assurances are there that skill requirements are met?
Passport, travel, and medical examination process	Is a medical examination conducted? By whom and who bears the cost? How are travel and logistical arrangements made? How are domestic travel arrangements made?
Pre-departure orientation	Was orientation performed, and by whom? What areas were covered in the orientation? How does the orientation program align with the factory orientation program?

## Partner: The Engagement Process

### Context

The first step when developing a comprehensive post-arrival orientation program is to identify a credible and independent third party partner that can both assess the current program and help develop a program in collaboration with the company.

### Consultation

The process by which the program is developed is as important as the program itself. Thorough worker and management consultation is necessary as an initial step. To provide an initial baseline, a third-party partner can objectively assess the employers' current approach toward migrant workers. This can provide direct inputs into the program's development.

### Factory Role

Factory management (both senior level staff and frontline supervisors) must be engaged in the process from the start for the program to secure the resources necessary to make it sustainable. In addition to participating in the consultation, management must help the partner develop a plan of action that defines the overall scope of the assessment, as well as the orientation program.

### Civil Society

BSR believes respected civil society partners often provide the most credibility and legitimacy to the overall consultation and training process. The partner should be familiar with workers' rights and cultural issues, while also possessing valuable knowledge about the pertinent legal environment. While credibility, legitimacy, and qualities of the organization are important, the factory management must also trust the organization. If it is not possible or appropriate to partner with a civil society organization, the employer can partner with an alternative third-party training provider such as [Verite](#).

## RECOMMENDED STEPS

	Step	Task
1	Identify Credible Third-Party Partner	<ul style="list-style-type: none"> <li>» Credible third-party partner with expertise in workers' rights</li> <li>» Trusted by management</li> </ul>
2	Develop Plan of Action	<ul style="list-style-type: none"> <li>» Joint action plan developed with partner will formally establish scope of work and issue focus</li> </ul>
3	Worker Consultation	<ul style="list-style-type: none"> <li>» Assess worker knowledge and awareness of basic rights and responsibilities</li> <li>» Identify major migrant worker challenges/issues in factory</li> </ul>
4	Management Consultation	<ul style="list-style-type: none"> <li>» Assess management approach towards migrant workers</li> <li>» Assess major challenges for supervisors</li> </ul>
5	Assessment Report	<ul style="list-style-type: none"> <li>» Report completed by partner will form basis for program development</li> <li>» Partner and company discussion of findings and plan for orientation development</li> </ul>
6	Capacity Building/Training	<ul style="list-style-type: none"> <li>» Partner and factory develop training/capacity building program for supervisors and workers</li> </ul>

### Partner Identification

One of most important steps in process: The factory should engage and consult widely to find a partner that meets the above-mentioned criteria. The partner should also have proven organizational capacity (staff and resources) to execute an assessment and program development.

### Plan of Action

The factory and the selected partner must define overall goals, scope, and approach for the partnership and in-factory work. This plan can be established jointly at an initial “kick-off” meeting, and sets the tone for the partnership moving forward. It is most helpful to establish a focus on two or three key areas (e.g., grievance, orientation, and management training). This initial meeting and document establish the scope for the worker and management consultation as well. Lastly, meeting and agreeing on a plan of action is a valuable trust-building exercise.

The factory and selected partner should agree on the scope and focus of the engagement by first solidifying a plan of action.

## Sample Plan of Action

### 1. PRIMARY GOALS OF PARTNERSHIP:

1. Define two to three issues/things to focus on through engagement (e.g. orientation program)
2. Identify expectations and roles
3. Develop orientation program and grievance mechanism that better protects worker rights

### 2. POSSIBLE SCOPE

1. Consultation: Factory management processes/mechanisms
2. Worker capacity building

### 3. DELIVERABLES AT CLOSE OF PILOT INCLUDES:

- » New arrival orientation program
- » Migrant worker manual
- » Train-the-Trainer manual on foreign workers for supervisors
- » Guidelines for 'good grievance processes'

### 4. APPROACH: PROPOSED PROCESS

Action	Projected Timeline
Complete initial kick-off consultation	
Complete assessment and consultation	
Submit gap assessment	
Develop training material	

### Consultation

The in-factory assessment should focus on the mutually agreed upon plan of action, conducted by a third-party partner to assure the credibility and independence of the assessment findings. The assessment should include workers and factory management interviews (frontline supervisors and human resources personnel) for a comprehensive view (from all sides) of the issues.

### Capacity Building

Based on the results of the assessment report, and with the employers' support, the partner will develop trainings and programs that address both workers as well as management. The partner should work with the employer to train human resources staff (in a train-the-trainer format) in order to build internal factory capacity to execute programs without the partner's direct long-term involvement.

## Capacity Training Techniques

Training presents an opportunity to identify key areas of weakness and strengths while building leadership capabilities among both workers and supervisors. Capacity-building efforts must take into account the baseline level of worker education and skills to ensure that information is conveyed in the most effective manner possible. Ultimately, factories must develop techniques that best fit the skill level of workers. For example, if a majority of workers are illiterate, exercises should incorporate dialogue and role playing.

Participatory approaches to worker and line supervisor capacity building are effective in both gathering valuable information and building awareness among migrant workers and frontline supervisors. The goal of such exercises is to ensure that all workers actively participate, making them more likely to retain the information.

### **FACILITATION TIPS**

These approaches should be supported by staff with the necessary language capabilities to ensure that the information being conveyed is clearly understood. Turning the training into a question-and-answer session is a good way to encourage worker participation and increase the likelihood of retention.

### **Worker Identity**

During a small group exercise in Malaysia, when asked what part they would be if the company was like a tree, workers identified themselves as the roots. This answer indicates the foundational importance workers feel they have in the factory.

### **Question-and-Answer**

Use scenarios and questions and answers to introduce rights and responsibilities to workers and test knowledge. Human resources personnel may ask workers during the orientation, “What about the issuance of pay slips? How is it done in our factory? Should you receive pay slips in your native language?”

A worker’s right to stay is governed by the work permit, which has to be renewed every year. The employer is usually responsible for the renewal. To help workers remember, facilitators could ask: “Is it the worker’s responsibility to check and find out if it is renewed?”

Some helpful questions about employment contracts include: “Must your employer give you a letter of employment or employment contract? Do you have your employment contract with you? Do you know the terms of your contract? Is there a notice period and procedure for dismissal?”

- » Have all the materials for each activity ready before starting.
- » Make sure the materials are large enough to be seen by all participants.
- » Limit your group to no more than 40 persons.
- » Make sure that people can talk to one another easily. Use a circle where possible.
- » Begin each new session with a warm-up activity, such as a game or song.
- » Provide refreshments where possible.
- » Go through each activity one step at a time.

### **Group Exercises**

Small group exercises with workers can be an effective way of both assessing knowledge gaps and conveying important information. This approach encourages broader group participation and teamwork among workers and supervisors. It can also provide valuable insights that wouldn't be garnered through more direct worker interviews.

A key element of participatory group exercises is having an effective facilitator. Securing the buy-in and trust of all participants is the first step. This is where a third-party partner provides particular value. When seeking an appropriate partner, look for one with strong facilitation experience.

#### **A facilitator should keep the following in mind:**

- » All participants are equal—do *not* present yourself as an authority figure or the teacher.
- » Create an atmosphere in which participants feel comfortable.
- » There is no *one* right answer.
- » Manage the dominant personalities. Groups often have one or two dominant personalities that try to control the group's thinking. Proactively seek these individuals out to gain their support and convey the importance and collective value of equal participation.

Each organization has its own approach toward training. BSR encourages participatory approaches that may take more time, but that help both workers and supervisors retain information more long term.

# Build Capacity: Post-Arrival Orientation

## Context

Comprehensive orientation programs set the tone for the employer-worker relationship. They empower workers and create an educated, aware workforce—the first step toward protecting workers’ rights and promoting stability among the migrant workforce.

## Orientation Contents

A comprehensive orientation should include three components:



### PRE-DEPARTURE VERSUS POST-ARRIVAL ORIENTATION

Prior to departure, migrant workers should be informed of the contract process, employment terms and conditions, receiving country living conditions, workplace conditions, rights and responsibilities, customer requirements, and required job skills. Upon arrival, the employer should assess what, if any, orientation and training the migrant worker has received and ensure that workers receive post-arrival orientation on any topics not addressed during pre-departure orientation. This assessment can be done through direct worker interviews after a workers’ arrival at the factory or dormitory.

Repeating certain information during post-arrival orientation that was already addressed in the pre-departure orientation helps verify whether the information the human resources personnel or labor agents provided during pre-departure is consistent with the information provided during post-arrival orientation. As with capacity building, repetition also increases the likelihood that workers will retain it.

### RECOMMENDED STEPS

Though the sequencing will vary, the following serves as a general guide of what should be provided during pre-departure and post-arrival orientations:

Pre-Departure Orientation	Post-Arrival Orientation
Living conditions and, if applicable, dormitory rules	Basic job training
Contract orientation, including employment terms (hours, wages, and remuneration)	Occupational health and safety
Required job skills and initial job	Production requirements

orientation	
Legal rights and responsibilities	Workplace policies, rules, disciplinary systems, and communications systems
Medical examination	Grievance channels and processes
Working hours	Basic local language skills
	Receiving country culture and common practices
	Advice about safe sex, reproductive health, and HIV/AIDS prevention
	Awareness of and prevention skills related to most relevant diseases

### Workers' Rights and Responsibilities Awareness

The orientation program should include an introduction to all major laws and regulations and customer requirements that pertain to migrant workers. For example, in Malaysia the major laws are the Employment Act, Industrial Relations Act, and Immigration Act. These laws form the backbone of the Malaysian regulatory environment.

#### RECOMMENDED STEPS

- 1 Complete a legal review of all relevant laws and regulations at national and local level
- 2 Leverage partner assessment of worker knowledge of rights and responsibilities
- 3 Include employment rights, basic labor rights, and immigration law in orientation
- 4 Develop orientation for rights and responsibilities based on most pertinent laws and knowledge gaps

Contract orientation should also be completed with workers as part of this legal awareness raising. See BSR's "Good Practice Guide: Global Migration," specifically the contract information in section 4.

For example, this summary analysis of the Immigration Act and Employment Act in Malaysia provides a useful guide what information can be shared with workers during orientation to help workers better understand their legal rights:

Immigration Act 1959 and 1963 (Act 155) and Immigration Regulations 1963	
<b>Section 6 (1) (c)</b>	Entry without valid pass or permit
<b>Section 15 (1) (c)</b>	Overstay after expiration of any pass
<b>Regulation 14 (1) (c)</b>	Special pass may be issued by the controller for any other special reasons (e.g., to pursue a legal redress in courts)
<b>Regulation 14 (2)</b>	Special pass entitles the holder to remain for a period not exceeding one month.
	Controller has the discretion to extend the special pass from time to time

	Payment of fees RM100.00 each month (normally issued for three months)
<b>Section 55D</b>	Forgery or alteration of endorsement or document

### Employment Act 1955 (ACT 265)

<b>Section 8</b>	Safeguards the rights of employee to join, participate in or organize trade unions (however, ref. to Section 28(1) of Trade Union Act 1959, which restricts a non-citizen from holding an executive position)
<b>Section 10</b>	Contracts to be in writing and to include provisions for lawful termination (i.e., which exceed a period of one month)
<b>Sections 11–15</b>	Provisions as to termination of contracts
<b>Section 19</b>	Time of payment of wages (not later than seven days after the last day of any wage period normally one month)
<b>Sections 59, 60, 60A, 60 B, 60 C, 60 D, and 60 E</b>	Rest days, hours of work, task work, shift work, holidays, annual leave, sick leave, etc.

The third-party partner or human resources management should perform a legal review. In addition to legal rights, workers should also be briefed on management guidelines, policies, and procedures that ensure workers comply with employer codes of conduct and procedures.

**Tip:** Create a simple chart that breaks down the responsibilities for the employer, the worker, and those that are shared. Present it during the orientation program or have workers fill it during a participatory group exercise.

### Employer versus Worker Responsibilities

Area	Employer	Worker	Shared
Passport	Must <i>not</i> hold the passport against worker consent.	Must ensure that passport is kept in a safe, secure location.	Ensure that worker has free access to passport. Ensure that passport is kept in a secure location.
Work Permit	Ensure worker possesses a valid permit and is aware of its exact time limitations.	Be aware of term limitations on work permit. Alert employer before expiration.	Ensure worker possesses a valid permit at all times and does <i>not</i> overstay permit.
Contract	Ensure workers have a valid, signed legal contract.	Be aware of the contract terms. Keep a copy of the contract as a reference.	Respect and honor contract terms. Reference contract in event of a grievance.

As a monitoring and evaluation mechanism, the human resources personnel can review worker knowledge of key rights and responsibilities on a semiannual basis through a refresher course. Following this course, workers can be asked to attend a group review session where they are asked to fill out a blank “rights and responsibilities chart.”

**Management and workers must work in tandem to raise awareness of policies and procedures.** It is the worker’s responsibility to know who in management is responsible for various procedures. Workers should *not* wait until a problem emerges to see what to do; a proactive approach is key. Management should inform the worker about these policies, but the worker must educate him or herself as well.

### Culture and Language: Empowering Workers Beyond the Factory Floor

Migrant workers are usually clearly aware of their work responsibilities. Ensuring customer satisfaction by producing quality products in an efficient manner is at the core of workers’ understanding of work responsibilities. Workers also usually understand that company profit depends on their output. Lastly, they understand that OHS in the workplace is a core responsibility. Yet language and cultural barriers can challenge the fulfillment of these responsibilities.

Unlike the local workforce, migrant workers face two challenges: functioning and adapting in the workplace *and* in the external local community. These challenges must be viewed more holistically as part of the orientation process.

#### RECOMMENDED STEPS

- 1 Complete a worker consultation to assess major cultural and language issues in work and living environments
- 2 Complete supervisor consultation to assess areas of cultural and language challenges with workers
- 3 Consult external culture and language specialists for content for a one-day introduction
- 4 With training partner, develop culture and language content for one-day introductory training
- 5 Distribute culture and language material to workers for ongoing study by workers

Cultural integration is a long-term process, and in many cases, it may never occur. The key is to assist with cultural *adaption*—easing the transition for workers.

Since migrant workers come from a different country, they have distinct cultures of their own, often speak a different language, and hold religious beliefs that may make them different from the citizens of the receiving country. Through this special mobility, migrant workers face new experiences, cultural shock, and a lack understanding that often leads to internal and external conflict. However, migrant workers are expected to adapt quickly and mitigate the differences and conflict they face. They are expected to learn the local language and adapt somewhat to local cultural practices and behaviors.

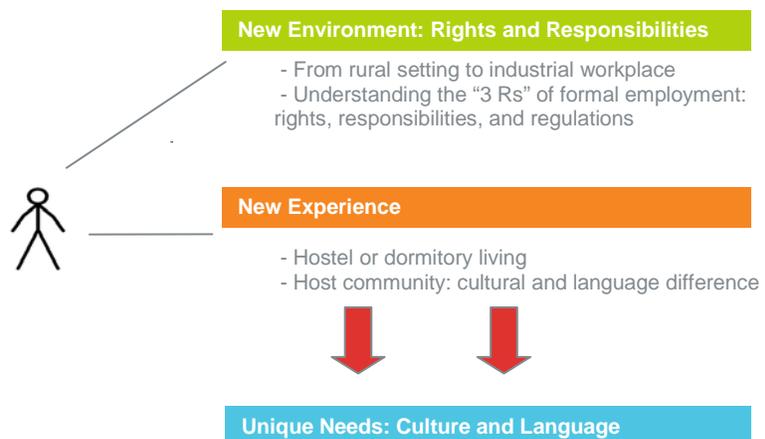
Cultural integration is a long-term process and in many cases, genuine integration may never occur. However, the factory can assist workers with adaption that can at least ease the cultural shock and the transition into the host culture. Management should play a proactive role in helping workers manage these challenges; incorporating language and cultural orientation components into the overall orientation program is a good initial step.

BSR recommends that a cultural introduction program incorporate:

- » Common greetings
- » Foods of the receiving country
- » Introduction to religion (as relevant)
- » Common cultural expectations (dos and don'ts)

**Tip:** Create a simple fact sheet on receiving country culture for literate workers. Instruct workers to keep it and review it during the orientation process.

The exact contents of the program will depend on the local context. The consultation will also help employers understand what areas are most relevant. As a training technique, participatory activities, such as role playing and question-and-answer sessions with the trainer and human resources personnel are recommended.



**Cultural understanding has three general components:**

1. **Awareness:** A recognition that the worker is living and working in an environment with distinctly different norms and expectations from his home country. A fact sheet and brief introduction during orientation will help here.
2. **Knowledge:** A more thorough understanding of values and beliefs associated with culture is the next step toward adaption. Ongoing training for workers throughout the year, building on awareness, can facilitate this process.

For example, one way to break down cultural barriers in Malay culture is during religious festivals when there is often an open door policy for members of other cultures to learn about Malay values and beliefs. Sharing information about the festivals and customs could help workers open a door for themselves into the local community where they are living.

3. **Skills:** Putting into practice the knowledge and awareness that has been built is the next step. Communication is fundamental to operating in any work or living environment, and verbal and nonverbal communication can vary greatly from culture to culture. Worker communication with local management and the local community is the most direct way to establish cultural skills, while building awareness and knowledge.

**Tip: Provide opportunities for workers to improve communication skills.**

Employers may decide to offer ongoing cultural understanding courses with migrant workers that move beyond the basics to values and beliefs of the host culture. Group role playing can effectively build confidence and strengthen cross-cultural communication skills. Workers should also be encouraged to openly compare and discuss differences between their home culture and the culture of the receiving country in a facilitated group discussion.

### LANGUAGE TRAINING

The employer should assist workers with introductory language training during orientation. Though it will not happen immediately, this step helps reduce misunderstandings between migrant workers, local workers, and local host communities that often result in tension and even conflict.

### RECOMMENDED STEPS

BSR recommends developing a short booklet with important words and phrases—both for the work and living environments. This booklet should address basic conversation and greetings, as well as language for everyday scenarios, such as trips to the market and questions for a supervisor.

#### Example: Indonesian, “The Basics”

Introductory Vocabulary	
Selamat pagi	Good morning
Selamat siang	Good day
Selamat sore	Good afternoon
Selamat malam	Good evening
Terima kasih	Thank you
Ya	Often means ‘yes’
Tidak	No
Apa Kabar	“How are you?”, “What’s new?”
Baik, dan [bapak] [ibu]	Fine [man] [woman]
Saya tidak bias bahasa Indonesia.	I don’t speak Indonesian. [This will be very obvious to an Indonesian, but it is a polite way to fill in the awkward moments]
Selamat jalan	Goodbye
Kembali	You’re welcome
Silakan [duduk] [masuk]	Please [sit down] [come in]

Ongoing language training classes are also recommended, and could be offered to migrant workers as a professional development opportunity. More intermediate level courses can be offered as workers demonstrate basic competencies.

**Tip:** Role play activities during the training should be used to introduce this booklet and basic greetings and responses. This could be done in tandem with culture lessons with the logical tie to communication.

**Cultivate respect for each other’s culture, differences, and experience.**

Respect requires people to work together in solidarity with an understanding of each other, especially one another’s differences.

Beyond a focus on product quality, it is important for workers to have a holistic experience, in and outside the workplace, where they can grow socially and in their immediate environment as a members of the community. It’s through this holistic growth and achievement that workers will reach a level of contentment, which will in turn make them more reliable, stable workers.

**In the dormitory workers have a responsibility to create a cohesive unit that can ease adaption and lifestyle challenges.** Living together with a large group of workers can be difficult. Introducing organization to the dormitory, facilitated by factory management as necessary, could help ease some difficulties:

- » Institute dormitory elections among workers
- » Recognize the dormitory leaders and see them as elder siblings who can reduce problems, as well as inspire workers.
- » Cooperation is a must. When a problem emerges, it is workers’ responsibility to bring it to the attention of the hostel leader
- » When workers see one of their coworkers regularly isolating herself, others must recognize that she must be struggling or troubled.
- » Peer-peer outreach is necessary to develop support networks—in essence building extended families eases the transition into the new community and culture. This technique works particularly well among migrant worker groups from similar nationalities, but familial relations can also be built across national and ethnic groups.
- » Dormitory leaders could be linked to a tailored grievance mechanism.

**Malaysia: Medical Testing**

Medical testing is a prerequisite to obtaining a work permit in Malaysia. The worker has to be very fit to work during the entire contract of service in the country. Each year before the permit renewal, the worker must undergo medical screening for a list of diseases in a government-approved clinic.

In some factories in Malaysia, workers must also undergo mandatory testing within one month from their arrival and subsequently before their renewal of work permit at the end of their first or second year. They are tested for 15 different diseases, including HIV/AIDS, tuberculosis, diabetes, and malaria.

**HEALTH AWARENESS AND EDUCATION**

Migrant workers are in a new region where the health care system may be completely different from that of their home country. Workers often rely very heavily on the employer for access to proper medical care. Migrant workers also undergo various problems when they are new to the country. They often experience culture shock from moving from a rural community to an urban environment. They feel lonely away from their loved ones and support systems. The food is different and the environment is strange. As a result, their mental well-being can also be seriously affected.

From a legal standpoint, many receiving countries, such as Malaysia, do not have an effective health policy for migrants. In fact, migrant workers can be charged excessive fees when they go to local medical facilities for treatment. Some countries also require migrant workers to undergo medical examinations prior to employment.

As a first step, migrant workers must understand the importance of taking care of their bodies and themselves. In many countries, if workers are deemed “unfit for work,” they are deported. Thus, health awareness becomes a means of job protection in addition to a basic dignity issue. Partnering with a credible health-focused NGO will help employers develop health orientation material and will train human resources personnel about health awareness training.

## RECOMMENDED STEPS

To comply with relevant laws where adequate care and access is not provided by the receiving country, BSR recommends that employers:

- 1 **Awareness:** Provide full health orientation for workers
- 2 **Access:** Provide reasonable access to medical services and treatment when necessary
- 3 **Support:** Provide psychological counseling on an as needed basis for migrant workers
- 4 **Training:** Provide occupational health training in addition to workplace health and safety

### Awareness Building

Many migrant workers lack a basic understanding of personal and reproductive health. Employers often emphasize the upper body parts, especially the face and the hair; less attention is given to concerns about sexuality, sexual relationships, emotional balance, rest, and exercise. For example, gastric problems have surfaced as a major health problem among migrant workers.

Workers must first understand their physical bodies. This first step empowers them to protect themselves, and stay fit for work.

Training Recommendation 1 Conduct body mapping, identifying all body parts

If medical testing is mandatory, workers should then be fully briefed on the tests that will be performed and the diseases that they are being tested for in advance.

Training Recommendation 2 Brief workers on any mandatory medical examinations

A full introduction to relevant infectious and communicable diseases should also be provided, including a session on practicing safe sex. While the use of traditional medicine maybe common practice in the sending country, workers need to know that if a health problem persists, they must raise it with management, go to the workplace clinic doctor and address the problem immediately. With the prevalence of infectious diseases such as HIV/AIDS, this is acutely important for both the worker and the employer.

Training Recommendation 3 Work with the health ministry or other health organization to provide training on communicable and infectious diseases and how to prevent them

### Occupational Health and Safety

Workers are sometimes unaware of problems that can arise from the work they are involved in. For example, during the body mapping conducted during the pilot consultation, many workers complained of neck pains and backache due to bending and sitting for long hours in the factory.

Occupational health training is just as important as core OHS training. Regular health monitoring and periodic short breaks help protect workers from developing

### Access to Care

The high cost of treatment hampers many migrant workers from seeking treatment. They should be entitled to the same medical benefits that as citizens in the public health system. Migrant workers already pay high levies.

### Partnerships

Partnering with a respected public health NGO for training and to develop orientation curriculum is a solid investment in a healthy workforce.

serious or even chronic ailments. Workers must know that a health monitoring process is undertaken by the management to avoid occupational health hazards at work.

Don't let prohibitive costs prevent workers from access to health care.

Training Recommendation 4

Provide occupational health training

### Access to Treatment

Many migrant workers find it difficult to access health care if the company does not have a proper panel of doctors or an in-house clinic. Migrant workers are treated as foreigners by the healthcare system. For example, the Malaysian policy for access to health care facilities requires higher fees for foreigners than citizens. This policy has in fact denied many workers their right to health care, as they often cannot afford the cost of treatment. Migrant workers should be aware of where they can access medical care both in the factory and where clinics are located outside the factory.

### Practical Tips for Health Education and Access

- **Conduct body mapping** with workers during the health portion of the orientation.
- In partnership with health-oriented NGO, **deliver an introductory course on major diseases migrant workers are at risk of contracting** and being tested for. Course should include protective measures for guarding against diseases.
- Prepare briefings for workers before any mandatory medical testing.
- **Provide counseling** to workers on results of testing and any follow-up steps (e.g., further tests or positive tests).
- **Introduce basic OHS training** during orientation in migrant workers' language and a health monitoring process that evaluates worker OHS performance.
- Ensure workers are **briefed on location and means of access to medical care**, from onsite clinics to nearby hospitals.
- **Distribute the contact list and fee schedule** for all major medical institutions during the health orientation.

Please see the health provisions in the [BSR Good Practice Guide](#), specifically section 8 for further guidance on health.

## Grievance Process

In many companies, there is a formal mechanism to handle complaints from the workers. In some companies, the workers are asked to first talk to supervisors, the frontline of management. The grievance process can sometimes be inhibited by workers' concerns about possible retribution by the employer.

Freedom of association is guaranteed in core ILO labor standards as a fundamental right. In countries where freedom of association is guaranteed by local law, employers should recognize this right. The right to join a union and to binding arbitration must not be denied workers, if guaranteed by law, as a means of securing the proper right to redress in the event of a grievance. Open communication and direct engagement between workers and management are the most effective ways to resolve workplace and compensation issues.

The grievance environment can be uniquely challenging for migrant workers because of language difficulties and cultural barriers between workers and supervisors. Both companies and workers can benefit from an improved grievance mechanism—tailored to migrant workers—that will ultimately improve the worker-management relationship.

### Recommended Steps

- 1 Develop a system for transparent tailored redress that protects worker anonymity
- 2 Establish a migrant worker committee that can resolve issues internally and mediate on behalf of migrant workers

A mechanism for tailored redress can address challenges of language and cultural barriers by first providing a formal outlet for addressing issues within the migrant workforce rather than requiring workers to raise complaints to a general factory committee. This mechanism can better protect the anonymity of the worker and create a more trusting environment for raising and addressing grievances.

Secondly, BSR recommends that the employer allow workers to form a migrant worker committee, which functions similar to a gender committee and can formally represent the interests of migrant workers with factory management. This mechanism can provide a formal, constructive voice for migrant workers within the factory and enable factory management to address migrant worker issues more proactively.

The committee can represent every nationality of the workforce, and be elected directly by the workers. Elections can be held annually, and workers can have limited terms to ensure the committee is broadly representative and not controlled by one or two strong personalities. The committee leaders can hold scheduled meetings with the human resources team of the factory to promote regular, constructive communication between management and workers.

A migrant worker committee can both help vet and resolve a complaint internally with the worker—avoiding the traditional mechanism altogether—and mediate on behalf of a worker through the traditional mechanism. This mediation will protect the worker's identity and prevent retribution against him.

### **DORMITORY STRUCTURE**

Electing leaders at the dormitory level could further improve worker representation, and provide a more viable information channel for the employer to learn about worker issues. Each floor in the dormitory could elect a floor

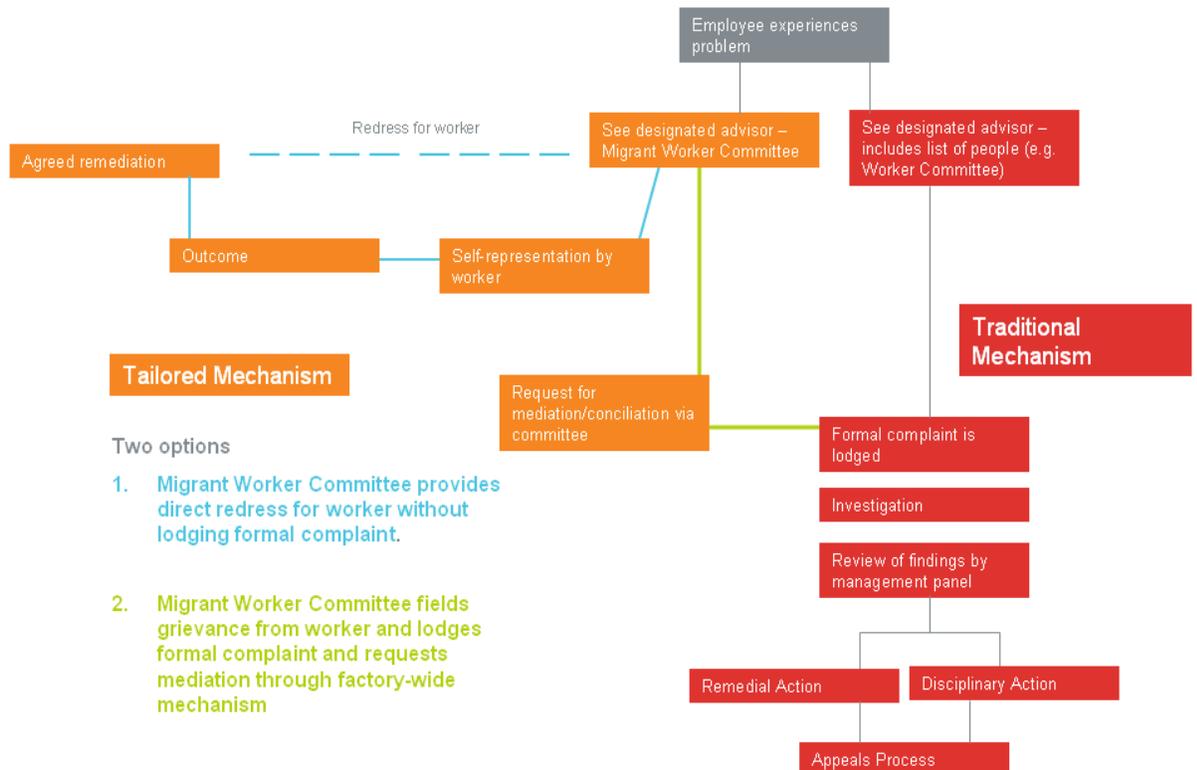
leader, and the dormitory would elect a dormitory leader. Floor leaders would be responsible for gathering grievances from peers and communicating them to the dormitory leader. The dormitory leader would then have a direct channel to either the migrant worker committee or the human resources department.

### Dormitory Approach to Transparent Grievance



This arrangement allows workers to raise grievances in an environment one step removed from the factory setting, limiting the culture of fear. This arrangement also creates a more trusting environment; workers will likely feel more comfortable with a peer on their dormitory floor than they are with migrant worker committee members. This distinction could be particularly true in a large factory where there are thousands of migrant workers.

### Tailored Grievance Mechanism



## Forming a Migrant Worker Committee

1. Human resources team helps organizes election of committee. Committee members have established term limits.
2. Factory management and committee jointly develop policies and structure of committee.
3. Committee is provided with a small secretariat of two workers. Secretariat provides committee with organizational support, as well as coherence when committee members change.
4. Committee secretariat and members receive organizational management training.
5. Committee meeting held monthly or as required based on grievance filings. Committee reports monthly to workers on status of grievance filings and other factory and dormitory issues.
6. Biweekly committee meeting with human resources.

### **Improving Worker-Management Communication**

Such a tailored mechanism will help improve the “worker’s voice,” but ultimately it can promote more constructive communication between workers and management. BSR believes that such a mechanism can slowly improve worker-management relations, and promote a more stable and transparent work environment over the long-term.

The tailored mechanism will provide human resources personnel and top management with a proactive means of addressing grievances before issues grow, and make factory management more aware of migrant worker issues generally. This knowledge can also be used to strengthen the migrant worker programs on an ongoing basis, as both the orientation program and grievance mechanism evolve.