

**2018 Questions for Construction Companies**  
***Migrant Worker Rights***

Name of company:  
Headquarters address:  
Website:

- 1)
  - a) Please describe the scope of your company's operations in [Country], including reference to the company's current projects and any labour rights standards governing these projects.
  - b) List your company's business relationships on its current projects, including with business partners<sup>1</sup> and entities in its contracting chain.<sup>2</sup> If your company maintains this information publicly, please provide a link or attachment to it.
- 2) Does your company maintain public workforce data? If yes, please provide a link or attachment with the data.  
If not, please provide the information on the number of:
  - a) Directly employed<sup>3</sup> workers on your current projects, and their countries of origin
  - b) Workers employed by subcontractors on your current projects
  - c) Workers employed by labour supply companies on your current projects

**Human rights policy & due diligence**

- 3) Does your company have a publicly-available written policy to respect human rights in its operations that addresses a) the rights of workers employed by the company and b) the rights of workers employed by subcontractors, labour supply companies and other entities in the company's subcontracting chain? Please provide links or attachments to the company's relevant policies.
- 4) Does your company require subcontractors and other entities in your contracting chain to comply with your human rights and other rights-related policies and procedures? If yes:
  - a) How do you hold them accountable to these requirements (e.g. through contract clauses) and ensure their compliance (e.g. through training, monitoring, penalties etc.)?
  - b) Do you enforce compliance beyond the first-tier of your contracting chain? What challenges does the company face in ensuring subcontractor compliance, both in the first and subsequent tiers?

**Recruitment**

- 5) Please describe your company's process for recruiting migrant workers to be part of your directly employed workforce in [Country].

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<sup>1</sup> i.e. joint venture partners, State and non-State clients, and State and non-State project financiers

<sup>2</sup> i.e. subcontractors, recruitment agencies, and labour supply companies in countries of origin and destination

<sup>3</sup> A directly employed worker is a worker with whom you have a contract of employment and to whom you pay wages

- 6) Does your company have a publicly-available written policy to respect migrant workers' rights that addresses the specific risks migrant workers face during recruitment? Please provide links or attachments to the company's relevant policies.
  - a) How does your company prevent the practice of contract substitution? Does your company have a policy of honouring the terms of contract signed in workers' home countries?
  - b) If your company has a policy of no-fee recruitment, what steps does it take to ensure workers do not pay recruitment fees and related costs?
  - c) If your company has a policy of reimbursing fees, please describe the company's process for identifying incidences of worker-paid fees and reimbursing fees to workers.
  - d) How do these policies apply to the recruitment agents you engage and to labour suppliers and subcontractors who have workers on your projects?

### **Payment & wages**

- 7) What is your company's process for determining the wages of its workers in [Country], and what external benchmarks does it use to set wage levels? Does your company consider a living wage in setting its wage amounts? Please explain.
- 8) Does your company operate on a contractual "pay when paid" basis in relation to:
  - a) Subcontractors?
  - b) Employee wages?
  - c) Other creditors? Please specify.
- 9) What mechanisms does your company have in place to detect unpaid wages to workers on your projects? Does your company maintain reserves to ensure salary commitments can be met, and has the company ever intervened to pay workers' wages when the direct employer has defaulted or gone into liquidation? Please describe.

### **Freedom of movement**

- 10) How does your company ensure that all workers on its project sites have free and secure access to their passports and identity documents, including workers employed by subcontractors and labour-supply companies?
- 11) How does your company ensure that all workers on its project sites have valid work permits and other documents required for employment, including workers employed by subcontractors and labour-supply companies? Please include information on who pays for work permits and what steps the company takes when employers on its projects fail to issue or renew workers' permits.
- 12) How does your company ensure all workers on its projects are free to change jobs and/or leave [Country] at will?

### **Living conditions**

- 13) How does your company ensure safe and decent accommodation for all workers on its project sites, including workers employed by subcontractors and labour-supply companies? Please include information on what steps the company takes when employers on its projects fail to house workers in adequate living conditions.
- 14) Please describe how your company makes provision for workers to have access to:

- a) safe and adequate nutrition
- b) healthcare
- c) banking and remittance services
- d) transportation
- e) leisure activities

### **Health and safety**

- 15) Please describe your company's health & safety policy and procedures, including what steps the company takes to ensure that they are applied to directly employed and subcontracted workers on your projects.
- 16) What is your company's policy and procedures on overtime? Please include in your answer:
- What the maximum/limit is on the amount of overtime
  - Whether overtime work is voluntary
  - What the premium is for overtime work
  - How the company prevents all workers on its projects from exceeding overtime limits during peaks in construction activity
- 17) What steps does the company take to protect all workers on its projects from high temperatures, humidity and sunlight throughout the year? Please include information on how you monitor heat risk and how you communicate protective measures to all workers.
- 18) Does your company maintain public data on fatalities and injuries to workers on its projects? If yes, please provide a link or attachment with the data. If not, please provide information for 2016 and 2017 on the total number and the causes of:
- a) Work-place fatalities in your direct and subcontracted workforce
  - b) Permanent disabilities in your direct and subcontracted workforce
  - c) Lost-time injuries in your direct and subcontracted workforce <sup>4</sup>

### **Representation and remedy**

- 19) Given legal restrictions on freedom of association and membership of trade unions in [country], how does your company ensure workers' voices are represented and heard by the company, e.g. through worker-representative committees? Please describe the mechanism in place.
- 20) In accordance with the UN Guiding Principle on Business and Human Rights, does your company have an operational level grievance mechanism in place for direct and subcontracted workers on your projects to raise concerns, in their own language, and in a way that ensures grievances can be reported safely, without intimidation or retaliation? Please provide a description of the company's grievance mechanism.
- 21) How many grievances were raised in 2017 by directly employed and/or subcontracted workers on your projects? Please provide a summary of the grievances and the remedial actions that were taken by the company and its subcontractors.

### **Other information**

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<sup>4</sup> Lost time-injuries calculated on the basis of injuries resulting in incapacity for work of at least three consecutive days (excluding the day of the accident)

22) Is there anything else that you would like to tell us about how your company takes a responsible approach to managing its operations in the Gulf region, including any challenges it faces in doing so?