Part 5: Forced Labor & Prison Labor

ICTI Code Requirement: 1c) that no forced or compulsory labor is employed for the benefit of private individuals, companies or associations, in accordance with the terms of C29 Forced Labour Convention (1930), that workers are free to leave once their shift ends, and that guards are posted only for normal security reasons;

5.1 Does the factory have a written policy concerning forced labor, which meets the requirements of the ICTI CARE Process requirements?

Factory Guidance

- The factory should have access to the local laws on the subject of forced labor for the respective country/ region.
- The factory should have a written policy that supports the ICTI CARE Process that no forced labor shall be used.

Audit Checklist

☐ Yes / ☐ No [Non-compliance]

Comment Details:
Document Number/Name:/Date of Issue:

5.2 Is there trained staff responsible for ensuring voluntary hiring?

Factory Guidance

- The factory must ensure staff responsible for hiring and other personnel functions are properly trained to communicate, implement and enforce the practices of effectively prohibiting involuntary or forced labor.
- Document training materials.

Audit Checklist

☐ Yes / ☐ No [Non-compliance]

Comment Details:
Name and title of responsible person:
Section 2: Audit Checklist

5.3  **Is force labor being prohibited in the factory?**

Factory Guidance
- Workers should be voluntarily employed without any deposit. Workers should not be pressured, coerced or threatened in any way to accept the job and/or maintain employment.
- Workers should be able to leave the factory, dormitory or any part of factory grounds freely once their shift ends. Neither factory management nor security guards can restrict workers to stay.
- Workers should be able to apply for and to take leaves without any penalty or restriction.
- Worker’s ID or passport should not be withheld.

Audit Checklist

<table>
<thead>
<tr>
<th>☐ Yes / ☐ No [Non-compliance]</th>
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<tbody>
<tr>
<td>Specific Criteria:</td>
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<tr>
<td>- Workers employed voluntarily, and without any deposit?</td>
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<td>- Workers can be able to leave any part of factory grounds freely?</td>
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<td>- Workers can apply for leaves without any penalty or restriction?</td>
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<td>- Any workers’ ID or passport is withheld?</td>
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5.4  **Is overtime voluntary?**

Factory Guidance
- All overtime should be on a voluntary basis.
- The factory must have a system for workers to opt out of overtime with advance notice.
- Workers must be informed of the overtime expectations during the hiring process.
- Overtime procedures should be documented.

Audit Checklist

<table>
<thead>
<tr>
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<td>Comment Details:</td>
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<tr>
<td>Document Number/Name:/Date of Issue:/Means of Giving Up OT:</td>
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5.5  **Do hiring documents indicate voluntary employment?**

Factory Guidance
- The factory must maintain hiring documents for all workers that affirm workers are agreeing to employment voluntarily.

Audit Checklist

| ☐ Yes / ☐ No [Non-compliance] |
Section 2: Audit Checklist

5.6 Is there broker/agent confirmation of voluntary hiring?

Factory Guidance

- If a broker or agent is used, the factory must maintain documentation from the broker or agent specifying the policy/procedure to ensure that all workers are hired voluntarily. Workers should not pay any fees, deposits or bonds for the purpose of recruitment.

Audit Checklist

☐ Yes / ☐ No [Non-compliance]

Specific Criteria:

- Written agreement of voluntary hiring between broker/agent and factory?
- Are workers required to pay any fees, deposits or bonds for the purpose of recruitment or placement?

5.7 Is bonded labor being prohibited in the factory?

Factory Guidance

- The factory must not use bonded labor in any form.

Audit Checklist

☐ Yes / ☐ No [Non-compliance]

5.8 Are workers permitted to leave employment after giving reasonable notice?

Factory Guidance

- Reasonable notice is that defined by law or, in the absence of local law, the length of interval between payments to the worker. For example, if workers are paid every 30 days, 30 days would constitute reasonable notice by either party.
- The factory should not withhold the wages or benefits to retain the workers.
- The workers must be paid for all time worked and accrued leave and benefits up until termination of employment.
- Note: If workers deem it necessary to break their contract, they should not be physically prevented from leaving the factory.

Audit Checklist

☐ Yes / ☐ No [Non-compliance]

Comment Details:
Notification period for resignation:
5.9  **Is there no evidence of the use of security staff and/or supervisor to coerce workers?**

Factory Guidance

- The factory should have a security guard work instruction to ensure security guards are not used to restrict movement or force workers to work.
- Security personnel and supervisors should not force or coerce workers. Normally, security staff should be present for the purpose of preventing unauthorized persons and vehicles from entering and exiting the site and to guard against theft at the site.

Audit Checklist

- [ ] Yes / [ ] No [Non-compliance]

  Comment Details:
  Document Number/Name/Date of Issue:

5.10  **Do workers have freedom of movement during the course of their employment?**

Factory Guidance

- If factory entrances and exits are locked or guarded, workers must have the ability to exit and enter the premises.

Audit Checklist

- [ ] Yes / [ ] No [Non-compliance]

**Prison Labor**

5.11  **Does the factory have a written policy against the use of prison labor in their facility or subcontracting to prisons?**

Factory Guidance

- The factory should have a written policy and/or procedure against the use of prison labor, both in their factory and subcontracting to prisons or facilities where prison labor is used.
- The dates of the law and written policy should be compared to make certain that current policy is appropriate.

Audit Checklist

- [ ] Yes / [ ] No [Non-compliance]

  Comment Details:
  Document Number/Name/Date of Issue:
Section 2: Audit Checklist

5.12 Is there no evidence of the use of prison labor?

Factory Guidance
- Neither the factory nor its subcontractor sites may use prison labor. The factory should have a system for verifying that subcontracted factories do not employ prison labor.

Audit Checklist

☐ Yes / ☐ No [Non-compliance]