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MIGRANT WORKER POLICY

INTRODUCTION:

COMPANY NAME is committed to ensuring that migrant workers are treated fairly with dignity and ensuring that labor right are upheld.

This policy is based on:

The Ethical Trading Initiative (ETI) Base Code
The United Nations Universal Declaration of Human Rights
The Fundamental Conventions of the International Labor Organization (ILO)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

LEGAL REQUIREMENTS

COMPANY NAME ensure that they adhere to the applicable national law in both the host country and (if applicable) the country of origin of migrant workers. In applying policy, company must comply with national and other applicable laws and, where the provisions of the law and this policy address the same subject, apply the provision that gives migrant workers the greater benefit.

DEFINITION

A migrant worker is a person who either migrates within their home country or outside it to pursue work. Migrant workers usually do not have the intention to stay permanently in the country or region in which they work.

OBJECTIVE

The project's central objective is to protect the rights of migrant workers through organizing, empowerment activities, enhanced cooperation and trade union support in countries of origin and destination.

POLICIES

1. EQUALITY

Each worker should have the same rights and terms and conditions of employment, including being eligible for the payment of a national living.

All workers should be treated equally and without discrimination.

Migrant workers should be treated no less favorably than other workers performing the same or similar work.

Moreover, migrant workers should be protected from any discrimination that would constitute a violation of human rights.

Employers should not discriminate against migrant workers on the basis of ethnicity, gender,

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national or social origin, caste, age, politics, religion, sexual orientation, union member ship, Disability, health, pregnancy, or any other status, in line with local and national labor law, or international human rights standards where these provide more protection for the worker.

Migrant workers should have appropriate access to training, promotional opportunities, working hours, pay, overtime, benefits, healthcare, union rights, and collective bargaining agreements without discrimination. Disciplinary procedures and termination policies should be fair, transparent and based on an equal treatment principle.

Medical or pregnancy testing should not be use data means of screening applicants for employment, and only conducted where required by the law. The results should only be used for legally required purposes, or to make suitable provisions, e.g. in accommodation or health care provision.

2. LEGALPROTECTION

All workers enjoy the protection of employment law. Migrant workers should have a legally recognized employment relationship with an identifiable and legitimate employer in the country where the work is performed.

Migrant workers under the age of 18 should not be recruited.

3. FEES

The employer should bear the full costs of recruitment and placement.

Migrant workers should not be charged any fees for recruitment or placement outright or through wage deductions.

4. CONTRACTS

Migrant workers should be provided with written contracts in a language each worker understands, with all terms and conditions explained clearly, and the worker's assent obtained without coercion. Where the worker is illiterate, the contract and terms of employment should be fully explained to the worker.

Contracts should include the criteria include ding Appendix1 of this policy: Migrant Worker Employment Contracts Checklist.

Contracts should be signed, prorated employment (migration), and adequate time should be allowed so the full implications of the contract can be understood. Contracts should be signed at least 7days prior to departure. Contract signing at the border entry or point of arrival, or any time there after should be prohibited.

On arrival, contracts, terms and conditions should be checked for consistency with the contract agreed at the time of recruitment by a workers' representative.

5. DOCUMENT RETENTION

Migrant workers should have free and complete access to their own passport, visa, identity documents, ATM or credit cards, banking book and residency papers, and enjoy freedom of movement.

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Migrant workers should have access to individual, safe, lockable storage for important documents and other valuables.

6. REMUNERATION

Migrant workers should be paid what they are due on time, regularly and directly. Final wages and any redundancy or equivalent payment, if applicable, should be paid in full at the end of the contract before the worker leaves.

7. WORKING CONDITIONS

Migrant workers should enjoy safe and decent conditions of work, free from harassment, any form of intimidation or in human treatment. They should receive adequate health and safety provision and training in relevant languages.

8. LIVING CONDITIONS

Migrant workers should be able to choose whether to live in company-provided housing or to make their own living arrangements. Living or overnight accommodation should be separate from any manufacturing facilities or any production floors and should be safe and fit for purpose. All accommodation provided by the employer to migrant workers should be safe, clean and hygienic, and safe transport between the work place and their accommodation. Migrant workers should not be denied freedom of movement, or confined to their living quarters.

9. ACCESS TO REMEDY

Migrant workers should have access to judicial remedy and to credible grievance mechanisms, without fear of reprimand or dismissal. All workers should have access to judicial or non-judicial grievance mechanisms beyond the company level, including legal complaints procedures. Migrant workers should not be denied access to consular services.

10. FREEDOM TO CHANGE EMPLOYMENT

Freedom to change employment is respected, and safe, timely return is guaranteed. Migrant workers should be guaranteed provision for return home on contract completion and in exceptional situations. They should not, however, be prevented from seeking or changing employment in the host country on completion of first contract or after two years, whichever is less.

Where migrant workers terminate their contract early, there must be no penalty for doing so except where established in the worker's original contract, and the worker must be given access to all savings and receive the usual assistance in repatriation.

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APPENDIX1: Migrant Worker Employment Contracts Checklist

The worker's name, date of birth, birthplace, nationality, and other unique identity information, e.g. place and date of issue and expiry.

- The worker's emergency contact details.
- A basic job description
- Identification of the site of employment.

The duration of the contract and renewal conditions. The renewal conditions should make it clear that the employer will bear the full costs of extending working costs associated with contract extension.

A comprehensive breakdown of all legitimate recruitment expenses (e.g. travel, medical checks and travel documents) to be covered by the employer. The contract should make it clear that no recruitment or placement fees will be charged to the worker.

Regular hours of work, expected over time, frequency of rest days, and holidays. It should spell out the maximum amount of overtime hours permitted consistent with national law or the prevailing industry practice whichever is the least onerous.

A clear explanation of the means of payment of the salary to the worker.

A list of all bonuses and allowances where they exist, as well as any non-cash compensation and work-related benefits, such as medical and social security benefits and sick, emergency, and annual leave.

Outline of sickness and employment injury compensation, and emergency medical care procedures.

A clear description of all the conditions and the level at which the employer may make deductions from remuneration. Agreed deductions, such as for accommodation, food, medical care, should be reasonable.

A reasonable notice period stipulated for the termination of the employment contract by the employer and the worker.

Any reasons for which a contract may be prematurely terminated.

Outline of complaints and grievance mechanisms systems, and a settling of dispute clause.

Clauses guaranteeing safe and timely return home at the end of contract, or during the contract in emergency situations.

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