

Annex A: Guidance for Performing Due Diligence to Assess Social Risks in the Recruitment Supply Chain



- What is Due Diligence?

Due diligence refers to all types of actions, starting with information gathering and evaluation, to commit to and carry out reasonable precaution in order to ensure compliance to standards, practices and guidelines that, if not followed, could potentially harm the Employer/Company and/or its internal or external stakeholders. Internal stakeholders include owners, shareholders, managers, employees; while external stakeholders include suppliers of product (raw material, ingredients, packaging) or services (including recruiters, recruitment intermediaries, security agencies, transportation), as well as other business partners, the community, overseas clients and consumers. Due diligence implies reasonable care and duty of care⁶⁶ which are basic ethical responsibilities expected of individuals and businesses towards society to identify factors and situations that could be potential risks and threats, inflicting or leading to damage, business losses, death, physical or psychological injury, loss of property, restrictions or denial of human and labor rights, directly or indirectly, to their stakeholders, especially vulnerable stakeholders of migrant workers and women.

- Who is responsible for Due Diligence?

Processors/Employers carry out due diligence on the various links of their own supply chain. The focus is on first-tier suppliers and service providers and the goal is to prevent, reduce or eliminate potential or actual hazards and risks. For **product suppliers (raw material, ingredients, packaging)**, the processor could utilize various types of due diligence processes – i.e. those related to food safety hazards; or those particular to sustainability, or labor/social compliance risks. For **service providers (recruitment intermediaries, security)**, due diligence evaluation is mainly concerned with potential human/labor rights violations associated with the Recruiter (s) contracted to find workers.

Product Suppliers are expected to cooperate with Processors by providing accurate information on their workforce and operations as well as signing a COC. They are then obliged to cascade due diligence to the next tier, identifying potential risks, harm or threats to migrants and women. Annex B-1 shows a seafood supply chain with due diligence focus on first-tier suppliers (in blue color).

Service Providers (especially Recruitment Intermediaries) are central to ensuring responsible recruitment, through cooperation with Employers and the job-seekers they deal with, by providing truthful information and maintaining transparency about their operations and activities. They are expected to carry out due diligence on all Partner Recruiters, Subcontractors and Service Providers in Thailand or at source countries, and demonstrate accountability to the Employer at all times. Annex B-2 shows an example of possible links in the supply chain of a Recruiter working under MOU.

⁶⁶ BSCI. *System Manual* Part V-Annex 9, Code of Conduct Version 2: 2014.

- Why do we carry out Due Diligence?

Due diligence is done at various supply chain links to determine preventive measures that can be taken by the Processor/Supplier/Recruiter so that vulnerable workers are not harmed; so that the Employer/Company's business and reputation do not suffer negative impacts, whether due to direct or indirect involvement in violations of fundamental human/labor rights; and in order to avoid legal repercussions or judicial punishments for the Processor/Supplier/Recruiter and the migrant workers. **Direct involvement** originates from hiring and employment practices directly done by the Employer/Company or by a business partner/subcontractor authorized by the Employer/Company. **Indirect involvement** happens when the Employer/Company does not perform adequate due diligence of purchasing or recruitment practices by suppliers and service providers, who then, without the Employer/Company's knowledge or permission, intentionally or unintentionally, links them to abusive recruitment or employment practices.⁶⁷

- What are the steps in carrying out Due Diligence?

The process that facilitates due diligence starts with supply chain mapping, followed by compilation of significant business partner information. After adequate information becomes available, the various steps of risk assessment - general risk assessment, specific risk assessment, conclusions on scoring/ rating of business partner, evaluation of which steps in a process may be impacted – are done in sequence, ending with standard procurement protocols, usually including requirements for COC signing. All of the steps and activities aim for transparency. The bottleneck in the process is usually the information gathering step. For Recruitment Intermediaries, specifically, the biggest challenge in due diligence, for Thai and source country brokers/agencies, is how to obtain accurate information with regards to their businesses, operations, personnel, subcontractors and fees.

- Supply Chain Mapping

This is meant to obtain an overview of how different stakeholders in the Employer/Company's supply chain relate to each other. Ideally, all upstream and downstream links should be mapped but due to the limitations of the FAIR Fish Project, priority will be given to first-tier Recruitment Intermediaries, with the primary goals of preventing the occurrence of violations to the ILO Core Conventions, especially forced labor, human trafficking and child labor. If any first-tier product suppliers present high indirect labor risks, due to their employment of migrant workers in a location, reported to have potential labor violations and many vulnerable workers, then these links should be included as well. An example of such a scenario is a fish aggregator facility, located in a Special Economic Zone (SEZ), employing migrant workers from Cambodia who use border passes to work.

Annex B-1 shows a seafood processor supply chain map while Annex B-2 outlines a Recruitment Supply Chain Map that shows various factors that may participate in finding, convincing, assisting and transporting job applicants across borders to work in Thailand. Ideally, the main recruiter, i.e. the Thai Recruitment Agency that signed the contract with the Thai Employer is responsible for vetting the partner recruiters and subcontractors in the source country and service providers in Thailand prior to contracting them. It is recommended that written agreements be put in place with clear definitions of responsibilities for all parties. The Thai Recruiter should present a documented oversight

⁶⁷ BSCI. *Responsible Recruitment Guidelines for BSCI Participants*. September 2017.

plan for monitoring the activities of the partner recruiter and subcontractors. The recruitment supply chain map should then be juxtaposed with the recruitment process flowchart (Figure 1: MOU) in order to evaluate potential risks at the process steps (Table 1: MOU).

There are other links that require special attention under “Service Providers” in Annex B-1 and Annex B-2. These categories include, in addition to Recruitment Intermediaries, contractors for shrimp harvesting and sorting, peeling sheds, security and cleaning services, as well as other subcontractors for intermediary processes that may use part-time, piece-work or home workers.

- Recruitment Intermediaries Information

Annex B-3 is a sample form recommended for obtaining relevant business information for recruiters. This questionnaire and the other tools described below could be adapted for use by the Employer doing due diligence on the Recruiter; or the Thai Recruiter carrying out due diligence further along the line to source country partner recruiters, subcontractors and service providers. Cooperation is crucial from the Employer/Company’s top and middle management, especially Human Resources (HR), purchasing department, the Quality Management Representative (QMR) or the head of the Internal Quality Audit (IQA) Team in order to obtain accurate information. In some cases, news and other publicly available information will need to be researched and analyzed. At a minimum, the Employer/Company should have each Recruiter’s company information and copy of license on file. In addition, information should also be obtained on migrant workers’ source countries and migration routes; intermediaries or subcontractors (if used); what services are provided; what type of documents, job categories, industry sectors and work positions the Recruiter is familiar with and track record for successful job placement of migrant workers and meeting quota requests.

- Tools for Social Risk Assessment- General

Process Flow: Figure 1 and Table 1 are examples of a process-based general risk assessment for the MOU process. Similarly, Figure 2 and Table 2 show how to analyze general risks based on the steps and activities for the NV process. In both cases, the evaluation and analytical methods do not have specific rules other than dependence on familiarity and experience with the processes and with the players in the particular industry sector.

Decision Tree: Annex C-1 shows a tool with a series of questions related to the recruitment intermediary. Depending on the answers, accept/reject decisions are made. The criteria are based on the following five key concepts: licensing; knowledge of international standards and national standards on recruitment and employment; compliance with zero recruitment fee principles; handling of costs and expenses related to recruitment; employment contract terms and conditions.

- Tools for Social Risk Assessment- Specific

Annex C-2 shows two types of social risk assessment tools – one, a matrix; the other, a table.

Matrix: For social risk assessment using the matrix tool, assign ratings per company per workplace standard category for a combination of “severity” and “likelihood”. For example, for a Thai Recruiter working with a Burmese Partner Recruiter without a license; and who recruits hundreds of workers, the risk assessment for responsible recruitment will be as

follows: “likelihood” will be “highly likely” or “certain to happen”; “severity” will be “major” to “critical”. Therefore, the combination in the matrix will be a “red = high” rating for responsible recruitment. Each policy will be rated similarly.

Table: For this tool, assign scores for each workplace standard category as shown in Annex C-3, which is an expanded version. Factors that will impact the scoring for “severity” and “likelihood” are described below. Severe violations related to the ILO Core Conventions are considered zero tolerance areas. Any issues that are non-compliant with Thai national laws on labor, fisheries, and migrant worker management, likewise, will raise the rating to a higher risk on the scale. These are the same whether the matrix or table is used. Examples for issues that will impact the “severity” rating are as follows, with judgment guided by the degree of impact on the worker:

1. Critical/Major = zero tolerance issues, e.g., child labor, forced labor, discrimination, FOA
2. Major/Medium = working conditions, occupational health and safety, discrimination, FOA
3. Medium/Minor = documentation/paperwork, non-applicable or limited application by law

In rating “likelihood” for a specific policy or category, the Employer/Company should consider actual experience or similar incidents that have occurred or have been reported to occur within the industry sector they are part of. Since the ratings are arbitrary and could partly be qualitative or subjective, it is recommended to have a team, not one person, involved in the analysis and listing of applicable situations. It is also highly recommended to provide a documented explanation and a reason for the ratings. This will be useful for future reference, if and when changes happen that impact the SMS. After filling all the columns, assign a total score and social risk rating per policy.

- Determining Overall Social Risk Rating and Action

Once all the workplace standards have been rated, a total Social Risk Assessment Rating should be given to the company/supplier being analyzed using traffic light color coding of red, yellow, and green.

The final Social Risk Rating for each company is defined to reflect the cumulative ratings/scores from the assessments for each Workplace Standard. Annex C-4 shows a sample method that counts the number of red-ranked or red-scored categories/policies and assigns an overall Social Risk Rating.

A Recruiter that has no red categories gets an overall Social Risk Rating of green; those with one to four red categories are classified as yellow or medium risk. Recruiters/Companies with five to eight red categories, get a red rating. Corresponding actions are defined for each of those ratings ranging from signing a COC to requests for corrective/preventive actions to audits once or twice a year. In cases of violations for zero tolerance areas, the Recruiter may be rejected or blacklisted. Annex C-5 provides a risk assessment example for a Recruiter, a composite of various assumed scenarios.

- Establishing Procurement Protocols

The Employer/ Company may choose to incorporate into its Procurement Protocols criteria for selection of Recruitment Intermediaries, or what, in some organizations, is called the Approved Vendor List (AVL). Annex C-6 provides a list of requirements for a

Recruiter, which can be used for pre-qualification, pre-contract, post-delivery or periodic performance review depending on the AVL systems. Supply chain mapping, risk assessment and other due diligence efforts are factored into the criteria and weighted accordingly. At the same time, the legal status, track record, understanding of the FAIR Fish Core Policies and Procedures, knowledge on the zero recruitment fees principle and a good reputation within the industry are considered when evaluating the Recruiter. It is also important that the Recruiter or its partner companies and subcontractors are not linked to any negative news on fundamental human and labor rights violations in Thailand or elsewhere.

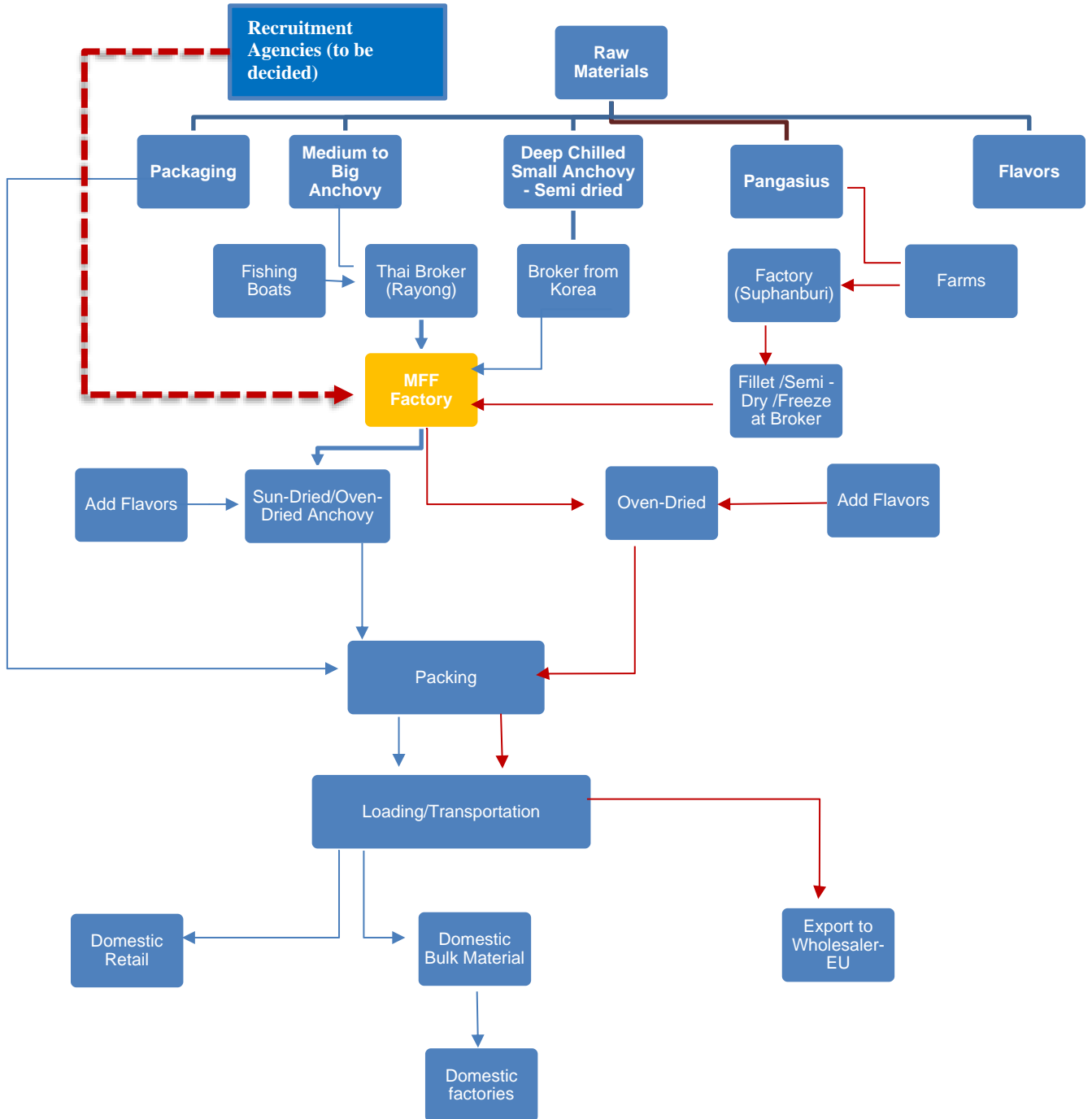
The criteria proposed can be adjusted and adapted by the Employer/Company according to their priorities. It is highly recommended apart from standardized Procurement Protocols, the Employer should assess the Recruiter's willingness to cooperate in the due diligence process as well as the Recruiter's understanding of the central role that due diligence plays in creating and maintaining a transparent supply chain. More importantly, if the Employer could obtain references from both sides of the border that will demonstrate transparency and accountability of the Recruiter, such information will provide vital proof of the Recruiter's ability to uphold the principles and concepts of responsible recruitment.

Annex B Recruitment Supply Chain Map and Recruitment Questionnaire

Annex B-I: Mapping of Labor Supply Chains – Significant Links and Vulnerable Workers

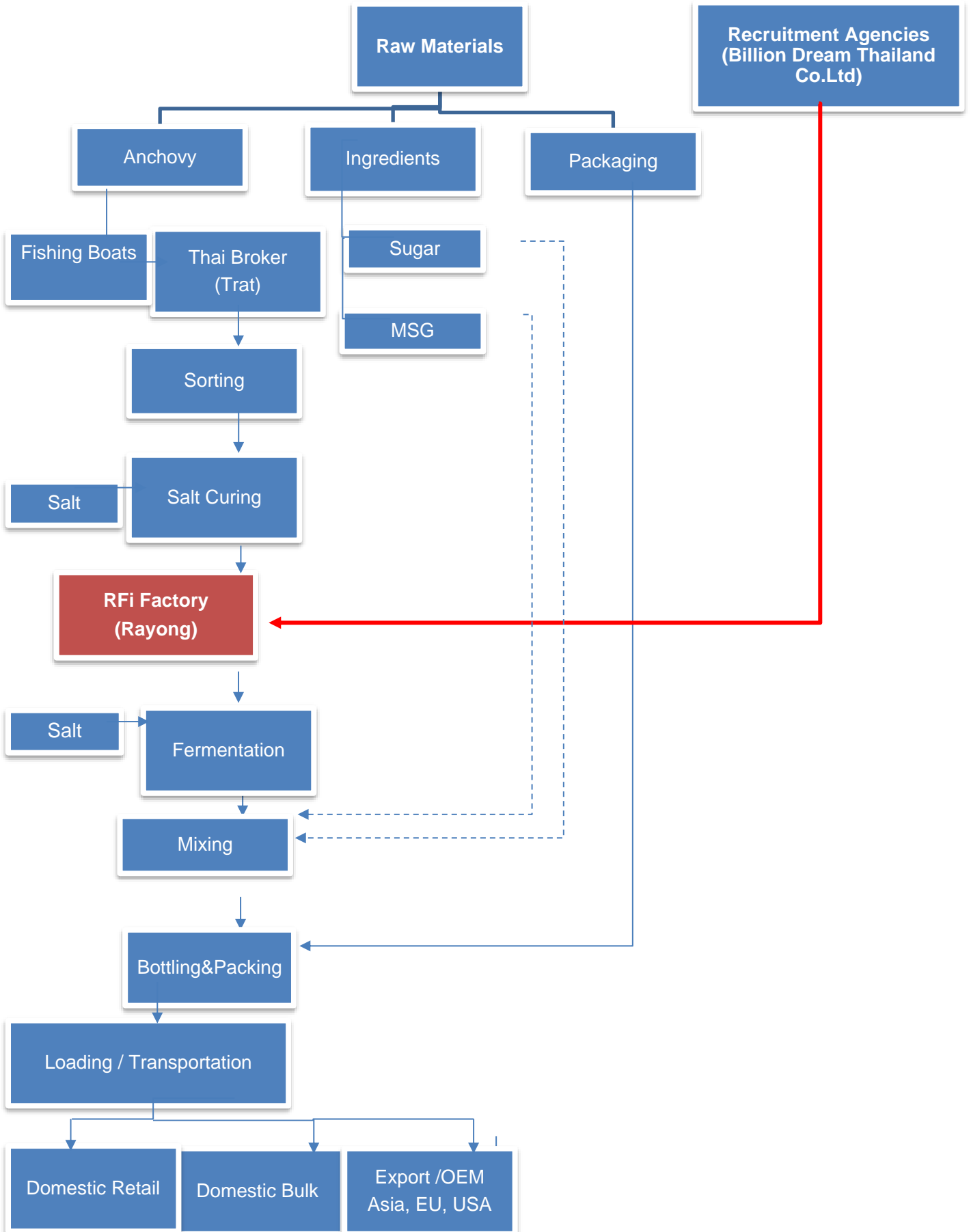
B-I.1: Seafood Processor Supply Chain Map – Marine Fine Foods

Marine Fine Foods

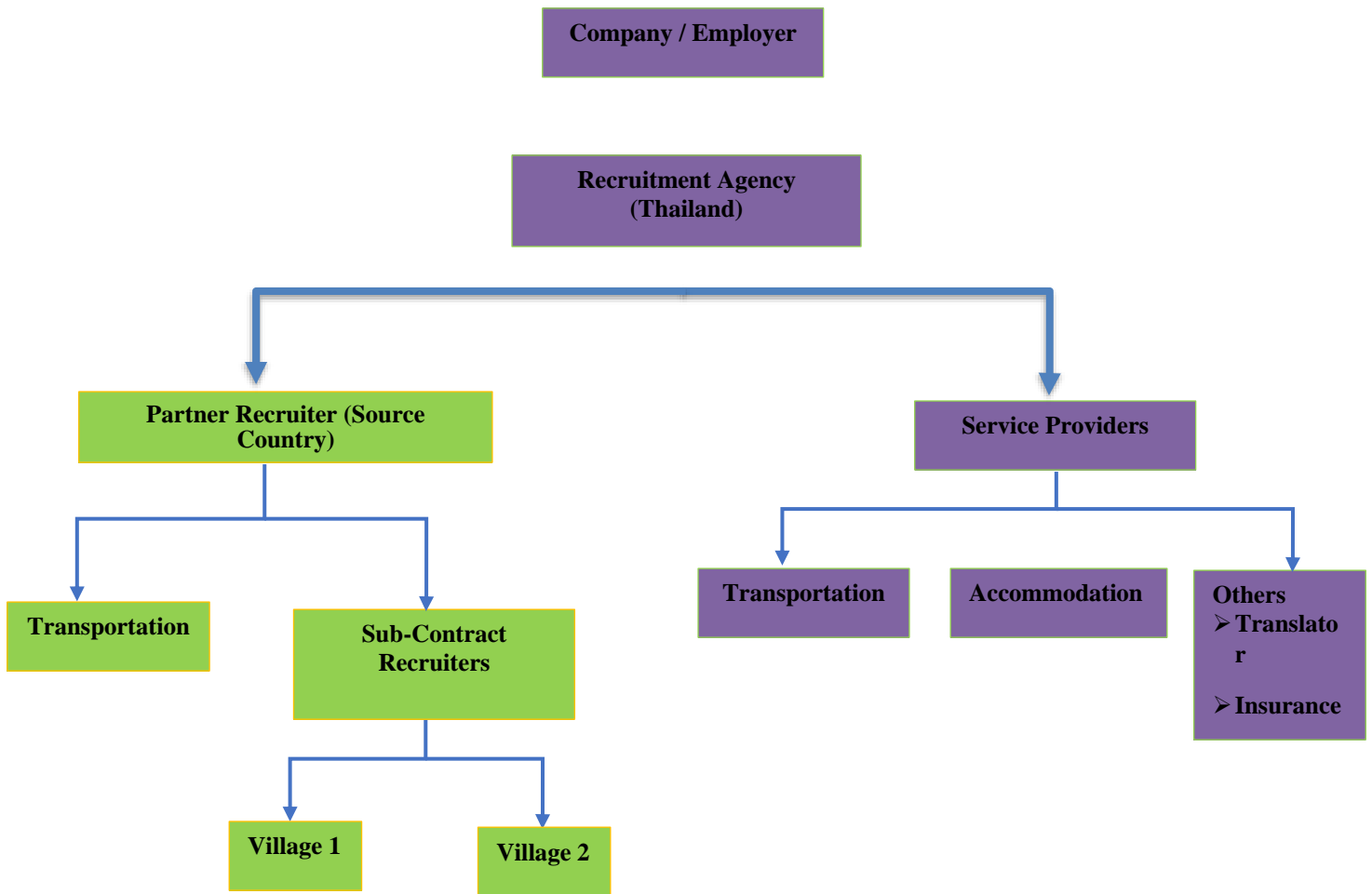


B-I.2: Seafood Processor Supply Chain Map – Rayong Fish Sauce Industry

Rayong Fish Sauce Industry



Annex B-2: Recruitment Supply Chain Map



Annex B-3: Recruitment Intermediary Questionnaire & Checklist

Name:	Date:
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Section I General Information on Company

I.1.1 Recruiter Agency/Labor Broker Name:	I.1.2. Registration/License No.:
I.1.3. Address:	I.1.4. Previous location (s):
I.1.5. Year Established:	T1.1.9. Total Number of EmployeesPersons Female..... Male..... Organization Chart? <input type="checkbox"/> Yes <input type="checkbox"/> No
I.1.6. Affiliated Companies:	
I.1.7. Main Contact/Title:	I.1.8. E-mail: Telephone:
I.2.1. Overview of Supply Chain of Recruiter: (Number of clients, partner recruiters, service providers) <input type="checkbox"/> Thai Employers (Seafood)..... <input type="checkbox"/> Thai Employers (Other Food)..... <input type="checkbox"/> Thai Employers (Non-Food).....	

<input type="checkbox"/> Thai Partner Labor Brokers <input type="checkbox"/> Source Country Recruiters <input type="checkbox"/> Transportation <input type="checkbox"/> Accommodation <input type="checkbox"/> Translation/Interpreters <input type="checkbox"/> Legal <input type="checkbox"/> Security <input type="checkbox"/> Others, specify	
I.2.2. Industry Sectors Serviced (%)	<input type="checkbox"/> Seafood <input type="checkbox"/> Other Food <input type="checkbox"/> Agriculture <input type="checkbox"/> Fishing <input type="checkbox"/> Construction <input type="checkbox"/> Others
I.2.3. Work Categories Serviced (%)	<input type="checkbox"/> Factory Workers <input type="checkbox"/> Seamen <input type="checkbox"/> Construction <input type="checkbox"/> Agriculture <input type="checkbox"/> Domestic Help <input type="checkbox"/> Others ,
I.2.4. Total number of migrant workers recruited per year – average for the last two years; % of women and men	<input type="checkbox"/> Myanmar totalpersons; women%; men.....%
	<input type="checkbox"/> Cambodia: totalpersons; women.....%; men.....%
	<input type="checkbox"/> Laos: totalpersons; women.....%; men.....%
	<input type="checkbox"/> Others, specify ,totalpersons; Women%; men.....%

<p>1.2.5. Source Countries for migrant workers (% of total number of workers recruited) – average last two years</p>	<p><input type="checkbox"/> Myanmar%; <input type="checkbox"/> Cambodia:% <input type="checkbox"/> Laos.....%; <input type="checkbox"/> Others, specify..... ;% of total number of workers</p>
<p>1.2.6. No. of Partner Recruiters in host and source countries and registrations</p>	<p><input type="checkbox"/> Thailand.....persons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No By which agency?.....License No.</p>
	<p><input type="checkbox"/> Myanmarpersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No By which agency?.....License No.</p>
	<p><input type="checkbox"/> Cambodia:persons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No By which agency?.....License No.</p>
	<p><input type="checkbox"/> Laos.....persons.....companies; ; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No By which agency?.....License No.</p>
	<p><input type="checkbox"/> Others, specify.....persons.....companies By which agency?.....License No.</p>
<p>1.2.7. No. of subcontractors and service providers in Thailand and licenses</p>	<p><input type="checkbox"/> Transportationpersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued By?..... License No.....</p>
	<p><input type="checkbox"/> Accommodation.....persons;companies licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?..... License No.....</p>
	<p><input type="checkbox"/> Translation/Interpreters.....persons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?..... License No.....</p>
	<p><input type="checkbox"/> Legalpersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?..... License No.....</p>
	<p><input type="checkbox"/> Security.....persons;companies licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?..... License No.....</p>

	<input type="checkbox"/> Others; specify;persons;companies licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
1.2.8. No. of subcontractors and service providers in Source Country and licenses	<input type="checkbox"/> Transportationpersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
	<input type="checkbox"/> Accommodationpersons;companies licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
	<input type="checkbox"/> Translation/Interpreterspersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
	<input type="checkbox"/> Legalpersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
	<input type="checkbox"/> Securitypersons;companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
	<input type="checkbox"/> Others; specify;persons;companies licensed <input type="checkbox"/> Yes <input type="checkbox"/> No ; license issued by?..... License No.....
1.2.9. Migration Route – Specify town or city names in source and host countries	Myanmar: <input type="checkbox"/> Villages <input type="checkbox"/> Pre-departure processing center <input type="checkbox"/> Border crossing <input type="checkbox"/> Post-arrival center <input type="checkbox"/> Others, specify

	<p>Cambodia: <input type="checkbox"/> Villages.....</p> <p><input type="checkbox"/> Pre-departure processing center.....</p> <p><input type="checkbox"/> Border crossing.....</p> <p><input type="checkbox"/> Post-arrival center.....</p> <p><input type="checkbox"/> Others, specify</p>
<p>1.2.10 Method of Travel, Transit Points, In-Transit Accommodation</p>	<p>Myanmar: <input type="checkbox"/> by land <input type="checkbox"/> by air <input type="checkbox"/> by boat; Transit <input type="checkbox"/> Yes <input type="checkbox"/> No Transit point (s).....</p>
	<p>Cambodia: <input type="checkbox"/> by land <input type="checkbox"/> by air <input type="checkbox"/> by boat; Transit <input type="checkbox"/> Yes <input type="checkbox"/> No Transit point (s).....</p>
	<p>Laos : <input type="checkbox"/> by land <input type="checkbox"/> by air <input type="checkbox"/> by boat; Transit <input type="checkbox"/> Yes <input type="checkbox"/> No Transit point (s).....</p>
	<p>Who accompanies migrant workers? <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Others</p>
	<p>In-Transit Accommodation? : <input type="checkbox"/> hotel <input type="checkbox"/> house <input type="checkbox"/> others,</p>
<p>1.2.11 Recruitment fees and costs</p>	<p>Who pays for job application and recruitment fees? <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
	<p>Who pays for document processing and issuance? <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
	<p>Who pays for pre-departure travel and other costs? <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
	<p>Who pays for cross-border travel and post-arrival costs? <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
<p>1.3.1. Internal Audits and Management Review</p>	<p>Do you do the following activities?</p>
	<p><input type="checkbox"/> Internal Audit of Social Policies and Practices <input type="checkbox"/> Yes <input type="checkbox"/> No By?Frequency>.....</p>

	<p><input type="checkbox"/> Management Review of HR Policies and Practices <input type="checkbox"/> Yes <input type="checkbox"/> No By? Frequency>.....</p>
<p>1.3.2. Certifications for Recruiter - 2nd party and 3rd party</p>	<p>Does the Recruitment Agency have any certifications for any of the following? Thai Labor Laws Compliance? <input type="checkbox"/> Yes <input type="checkbox"/> No Issued by?Certificate No. Responsible Recruitment Practices <input type="checkbox"/> Yes <input type="checkbox"/> No Issued by?Certificate No. Social Management Systems <input type="checkbox"/> Yes <input type="checkbox"/> No Issued by?Certificate No. </p>
<p>1.3.3. Due Diligence</p>	<p>Has the Recruitment Agency carried out the following? <input type="checkbox"/> Supply chain mapping; <input type="checkbox"/> Risk Assessment- own, all partners; <input type="checkbox"/> Signed Employer’s Code of Conduct (COC); <input type="checkbox"/> Asked Partners to sign a COC; <input type="checkbox"/> Signed legal contract with the Employer; <input type="checkbox"/> Signed legal contracts with all partners</p>
<p>1.3.4. Social Policies, Company Rules</p>	<p>Does the Recruitment Agency have documented policies, procedures and protocols that adequately address? <input type="checkbox"/> Four Core Rights under ILO Conventions <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Responsible Recruitment Principles <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decent Work Principles <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Ethical Business Policies <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Company Rules compliant to Thai Labor Laws <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>1.3.5. Training Programs</p>	<p>Has training been developed, received, delivered or facilitated for <input type="checkbox"/> Middle/top management of Recruitment Agency <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> HR Personnel of Recruitment Agency <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Social Management System / Internal Audit Team <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Significant Partners Core Teams or HR personnel <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pre-Departure Migrant Workers Training <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Post-Arrival Thai government training <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>1.3.6. Disciplinary Action Protocols</p>	<p>Are these defined in the <input type="checkbox"/> Company Rules; <input type="checkbox"/> the Employment Contract; explained to the worker in their language <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>1.3.7. Grievance / Complaints Mechanisms</p>	<p>Does the Recruitment Agency have or do the following? <input type="checkbox"/> Confidential Grievance / Complaint protocols <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Person-in-Charge trained on gender-sensitivity <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Provide emergency contacts to migrant workers <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Requires Partners to have grievance mechanism <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>1.3.8. Remediation Policies & Strategies</p>	<p>Does the Recruitment Agency have or do the following? <input type="checkbox"/> Remediation Policies and Procedures <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Corrective Actions and Preventive Measures <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Keeps a list for emergency contacts and agencies <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Requires Partners to have Remediation Protocols <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>1.3.9. Reference Laws, Standards</p>	<p>Does the Recruitment Agency understand? <input type="checkbox"/> ILO Fair Recruitment Principles/Guidelines <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> BSCI Social Management System <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Thai Labor Laws requirements <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Information on Current Recruitment Agency Staff					
I.4.1. Number of managers and staff working for recruitment agency					
Nationality	18 – 24 years old		25 years up		Total
	Male	Female	Male	Female	
Thai					
Myanmar					
Cambodia					
Laos					
Other Countries					
Disabled persons					
Total managers and staff					

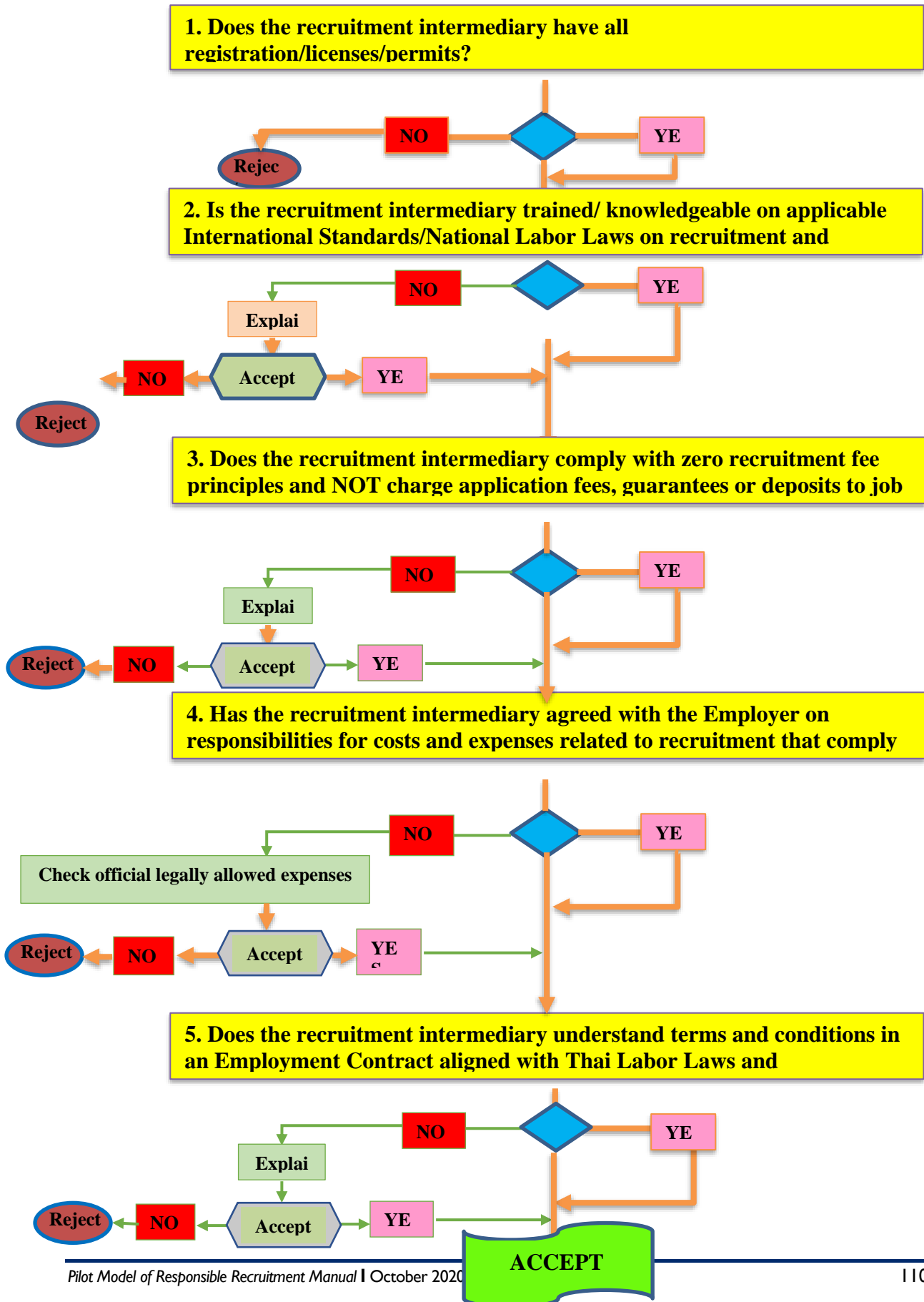
Information on Migrant Workers Recruited for the past twelve months					
I.5.1. Number of migrant workers by nationality and age group					
Nationality	18 – 24 years old		25 years up		Total
	Male	Female	Male	Female	
Myanmar					
Cambodia					
Laos					
Other Countries					

I.5.2. Method of Recruitment	MOU System	Nationality Verification (NV)	Other Systems (specify)	Total	Remarks
Myanmar					
Cambodia					
Laos					
Others					

I.5.3. Identity Documents	Travel and Identity Documents issued by the country of origin			Work Permit issued by the Thai authorities			
	Full passport	Temporary Passport	Certificate of Identity	Pink Card	Blue Book	Others	Total
MOU							
NV							
Direct /Walk-in							
Others							

Annex C: Tools for Social Risk Assessment – Evaluation and Ranking of Recruiters

C-1: Decision Tree for General Risk Assessment



C-2: Two Types of Specific Risk Assessment Tools

Potential Social Risk (Matrix) = severity x likelihood = rating/category

Potential Social Risk (Tables) = severity x likelihood x preventive measures = score/category

For Option 1, define the criteria and combination of likelihood and severity in the matrix for significant risk levels per workplace standard category. Then tabulate the results for all the categories and count the red ones to decide the overall supplier/recruiter social risk rating. For Option 2, score in a table to define a significant risk level score/ workplace standard category. Calculate the total scores for each workplace standard category. Count the number of red categories to obtain a total social risk rating for each supplier/ recruiter.

Option 1. Matrix Example

Likelihood Severity	Certain to Happen	Highly Likely to Happen	Could Possibly Happen	Unlikely to Happen
Critical	Red	Red	Yellow	Green
Major	Red	Red	Yellow	Green
Moderate	Yellow	Yellow	Yellow	Green
Minor	Green	Green	Green	Green

Legend:

Per workplace standard category: Combination above: red = high; yellow = medium; green = low.

Option 2. Table Example

Workplace Standard	Severity (S)	Likelihood (L)	Preventive Measures (P)	Total Score (S x L x P)	Social Risk Rating
Forced Labor	4	3	2	24	High
OSH	3	2	2	12	Medium

Legend:

1) Per workplace standard category:

“Severity” – critical = 4, major = 3, medium = 2, minor = 1

“Likelihood” – certain = 4, highly = 3, possibly = 2; unlikely = 1

“Preventive Measures”- social systems good = 1, acceptable = 2, needs improvement = 3

2) For “Total Score” (severity x likelihood x preventive measures)

High (Red) = 24 and above; Medium (Yellow) = 12 to 23; Low (Green) = 1 to 11

Overall Company Social Risk Rating = Rating/Total Scores from all Eight Categories – see Annex C-4

High (Red) = five to eight red; Medium (Yellow) = one to four red; Low (Green) = zero red

C-3: Specific Risk Assessment Chart for Scoring Each Policy

RISK ASSESSMENT FOR RECRUITERS

Instruction: please refer to Annex A Due Diligence on how to use this table.

Recruiter: ABCD Agency)_____ Migrant Workers from _____ recruited/to be recruited through_____ (

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating (Score or Color)
No Forced Labor								
No Child Labor								
No Discrimination								
Responsible Recruitment								
Freedom of Association and Collective Bargaining								
Anti-Trafficking in Persons								
Grievance and Remediation								
Decent Working Conditions								

Legend: **Severity:** Critical = 4; Major = 3; Medium = 2 ; Minor = 1

Likelihood: Certain = 4; Highly = 3; Possibly = 2; Unlikely = 1

Preventive Measures: Labor Systems Good = 1; Acceptable = 2; Needs Improvement = 3

Calculate each Policy's Total Risk Score using this formula: Severity x Likelihood x Quality of Preventive Measures

Low Risk: 1 to 11 (Green Color)

Medium Risk: 12 to 23 (Yellow Color)

High Risk: 24 and above (Red Color)

Social Risk Rating Level for Company: Count the number of red colored policies

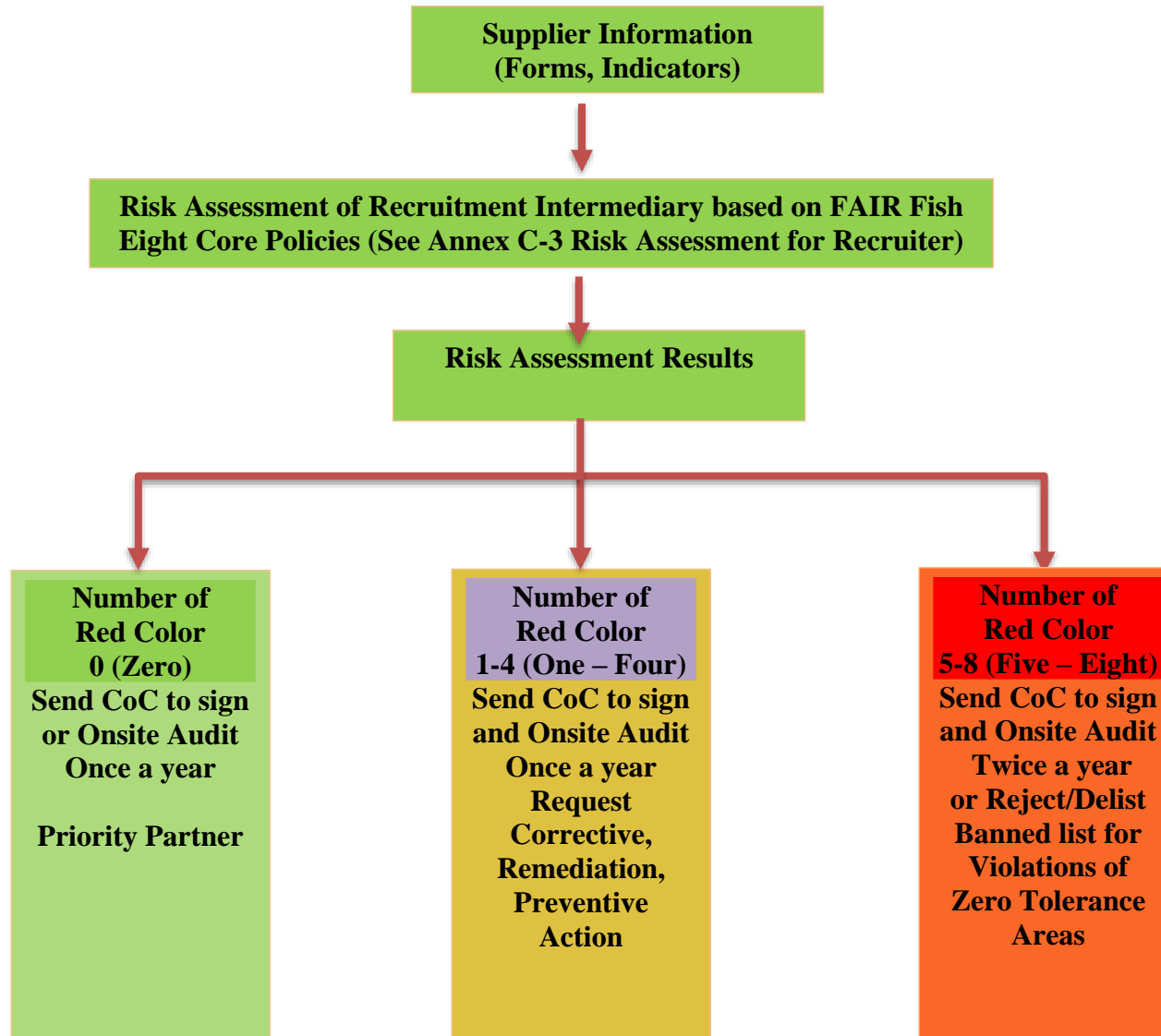
Low (Green) Risk Level (Red Color 0) Send CoC to sign or Onsite Audit, Once a year

Medium (Yellow) Risk Level (Red Color 1-4) Send CoC to sign and Onsite Audit, Once a year; request remediation, corrective and preventive actions.

High (Red) Risk Level (Red Color 5-8) Reject or send CoC and Onsite Audit, Twice a year; request remediation, corrective and preventive actions

Comments, Recommendations, Next Steps to Recruiter by Employer – For Red Social Risk Rating, the Stop Business/Delisting options could be invoked

C-4: Determining Final Ranking and Action



C-5: Example of Specific Risk Assessment for MOU Recruiter

RISK ASSESSMENT FOR RECRUITERS

Recruiter: ABCD Agency)12 Migrant Workers from Cambodia recruited through MOU(

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating
No Forced Labor	4	Two workers asked recruiter for advance/ guarantee for job; repayment agreement	3	Incidents occurred in the last year	2	No SMS but training on FAIR Fish policies completed; sign CoC	24	
No Child Labor	4	One worker found to be 17 years old- not allowed by law for seafood processing	3	Discovered during interview by external auditor within the last six months	2	No SMS but training on FAIR Fish core policies completed; sign CoC	24	
No Discrimination	3	If found, consider to be major	1	Recruiter has female staff and history shows gender balance in recruiting	2	No SMS but training on FAIR Fish core policies completed and sign COC	6	
Responsible Recruitment	3	Licensed but if violations found consider to be major	2	Control by Department of Fisheries and Department of Employment	2	No SMS but training on FAIR Fish policies; DOF and DOE laws and	12	

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating
						requirements; sign CoC		
Freedom of Association and Collective Bargaining	1	Number of workers at company not enough for Welfare committee	1	Unlikely; labor inspections by Department of Employment	2	No SMS but training on FAIR Fish policies and at DOE for Thai Labor Laws ; sign CoC	2	
Anti-Trafficking in Persons (TIP)	4	Licensed, but if violations or indicators found, consider to be critical	2	Information on travel from Cambodia to Thailand by land incomplete but no major complaints from migrant workers	2	No SMS but training on FAIR Fish policies and on Thai laws at DOE and DOF; sign CoC	16	
Grievance and Remediation	2	Workers have face-to-face communication with local recruiter and contact with Employer	1	Recruiter provides channel of communication locally and provide updates to Thai Employer by video	2	No SMS but training on FAIR Fish policies; on Thai laws by DOE and training with Department of Labor Protection and Welfare; sign CoC	4	

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating
Decent Working Conditions	2	Employment Contract based on template from Thai DOE aligned with Thai Labor Laws; worker has original	1	Recruiter familiar with National Laws (Social Security, Department of Labor Protection and Welfare, Department of Fisheries)	2	Accept because there has been training, involved with Inter Company Working Group – FAIRFISH project and sign CoC	4	

Legend: **Severity:** Critical = 4; Major = 3; Medium = 2; Minor = 1
Likelihood: Certain = 4; Highly = 3; Possibly = 2; Unlikely = 1
Preventive Measures: Labor Systems Good = 1; Acceptable = 2; Needs Improvement = 3

Calculate each Policy’s Total Risk Score using this formula: Severity x Likelihood x Quality of Preventive Measures

Low Risk: 1 to 11 (Green Color)
 Medium Risk: 12 to 23 (Yellow Color)
 High Risk: 24 and above (Red Color)

Social Risk Rating Level for Company: Count the number of red colored policies

Low Risk Level (Red Color 0) Send CoC to sign or Onsite Audit, Once a year
 Medium Risk Level (Red Color 1-4) Send CoC to sign and Onsite Audit, Once a year, request remediation, corrective and preventive actions.
 High Risk Level (Red Color 5-8) Reject or Send CoC to sign and Onsite Audit, Twice a year; request remediation, corrective and preventive actions

Next steps to Recruiter by Employer – For Red Social Risk Rating, the Stop Business/Delisting/ Blacklist for Zero Tolerance options could be invoked

Overall Social Risk Rating for Recruiter: Medium Risk (Yellow)

Comments to Recruiter by Fish Processor:

Recruiter overall appears knowledgeable about fundamental human and labor rights and tries to keep up with training from government agencies and private sector when available. However, understanding of recruitment fees principles and concepts as they relate to forced labor need improvement – incident regarding advance and guarantee may have been considered by recruiter as helping the workers but is not acceptable. After investigation, child labor incident discovered to be due to lack of accurate means of authenticating documents – again, controls regarding this issue at source country need to be strengthened.

Conclusions and Recommendations about Recruiter by Fish Processor:

On Site Audit once a year; request for documented corrective and preventive action plan on above two issues.

C-6: Procurement Criteria for Selection of Recruiters

Instruction: Please fill in the score for each criterion in the “score” column and add up all of the scores. If the final score is 80 – 100, it means “excellent;” if it is 51 – 79, it means “acceptable;” and if it is 50 and below, it means “fail.”

Criteria	Description/ Indicators	Ideal Score	Score
Migrant Workers	Track record of recruiting number of migrants requested, completing cross-border paperwork and approvals <u>Evidence:</u> number of migrant workers, approvals and timelines for processing during the past two years	10	
Legal Status	Complies with licensing requirements under Thai laws on labor and migrants; names and legal status of all partner recruiters, subcontractors and service providers available <u>Evidence:</u> Thai Recruiter license, Partner Recruiter (s) and subcontractor license; procurement criteria for service providers	20	
Social Policies and Standards	Training or documented policies and procedures aligned with FAIR Fish eight core policies and implementation procedures plus ethical business policies <u>Evidence:</u> training certificates or curriculum; documented policies and procedures	10	
Due Diligence	Supply chain mapping of vulnerable workers; due diligence on partner recruiters, subcontractors and service providers; Code of Conduct signing <u>Evidence:</u> supply chain map; risk assessment forms and conclusions; Code of Conduct signed (Employer, Partners); procurement protocols	20	
Recruitment Fees and Expenses	Recruitment fees (application, deposit, guarantee) and expenses (documents, travel, etc.) not charged to worker; advances and loans not offered to worker <u>Evidence:</u> accounting, oversight protocols	20	
Negative News	No negative news about human and labor rights violations involving company in local and global media <u>Evidence:</u> media (including on-line) reports; industry and NGO report	20	
Total Score		100	

Category B will be asked to make improvements while Category C may be given another chance.

C-7: Code of Conduct Example for Suppliers/Recruiters

Company Letterhead Supplier Code of Conduct (For Business Partner).

บริษัทฯ มุ่งมั่นในการดำเนินธุรกิจด้วยความโปร่งใส สุจริต เป็นไปตามกฎหมาย หลักการกำกับดูแลกิจการที่ดี และแนวทางการพัฒนาที่ยั่งยืน โดยมุ่งเน้นการสร้างจิตสำนึกที่ดีเกี่ยวกับความรับผิดชอบต่อสังคม

The Company is committed to conducting business with transparency, honesty, adherence to the law and regulatory principles, good corporate governance, and sustainable development guidelines, focusing on creating good awareness about social responsibility.

บริษัทฯ จึงได้กำหนดจรรยาบรรณด้านสังคมสำหรับคู่ค้าธุรกิจ เพื่อใช้เป็นแนวทางปฏิบัติในการดำเนินธุรกิจ สอดคล้องกับกฎหมาย นโยบาย และจรรยาบรรณของบริษัทฯ ตลอดจนมาตรฐานสากล โดยบริษัทฯ ให้ความสำคัญ และสนับสนุนให้คู่ค้าดำเนินธุรกิจด้วยความโปร่งใส ปฏิบัติตามมาตรฐานการจัดการทางสังคม รวมถึงติดตามการดำเนินการ ให้เป็นไปตามจรรยาบรรณนี้อย่างเคร่งครัด

The Company has therefore established the codes of ethics for Business Partners. They are to be used as guidelines for business operations in order to comply with the legal requirements, policies and ethics of the Company, as well as international standards. The Company gives importance to and supports business partners with transparency, and compliance to social management standards, including tracking strict adherence to this Code of Conduct.

บริษัทฯ มุ่งหวังเป็นอย่างยิ่งว่าหลักการของจรรยาบรรณคู่ค้าธุรกิจ จะผลักดันประสิทธิภาพการทำงานระหว่าง บริษัทฯ กับคู่ค้าทุกรายไปสู่การทำงานที่สร้างความเชื่อมั่นและคุณค่าให้กับผู้มีส่วนได้เสียทุกฝ่าย

The Company strongly hopes that the principles of our Code of Business Ethics will drive work efficiency between companies, with all business partners, to facilitate work that creates confidence and long-term value for all stakeholders.

ขอบเขตและแนวปฏิบัติ (Scope and guidelines)

จริยธรรมทางธุรกิจ (Business Ethics)

ในการดำเนินธุรกิจ ให้ความสำคัญต่อหลักจริยธรรม ความซื่อสัตย์สุจริต และความเป็นธรรม ต่อผู้มีส่วนได้เสียทุกฝ่าย ปฏิบัติตามกฎหมาย กฎเกณฑ์และ ระเบียบของภาครัฐ ไม่มีส่วนร่วมการทุจริตคอร์รัปชันในทุกรูปแบบ

In conducting business, the importance of ethics, honesty and fairness to all stakeholders comply with the laws, rules and regulations of the government and do not involve any form of corruption.

การปฏิบัติด้านแรงงานและสิทธิมนุษยชน (Labor and Human Rights Practices)

บริษัทฯ ให้ความสำคัญกับสิทธิมนุษยชนขั้นพื้นฐาน เพื่อส่งเสริมการเคารพต่อสิทธิและเสรีภาพของผู้มีส่วนได้เสียทุกฝ่าย โดยปราศจากการเลือกปฏิบัติใด ๆ และไม่ยอมรับอย่างเด็ดขาดในทุกการกระทำที่เกี่ยวข้องกับการค้ามนุษย์ การใช้แรงงานบังคับ แรงงานขัดหนี้และแรงงานทาสในทุกรูปแบบ ส่งเสริมความเสมอภาค ไม่เข้าไปมีส่วนเกี่ยวข้อง

การเลือกปฏิบัติด้วยเหตุแห่งเพศสภาพและชนชั้น ไม่ยอมรับหรือส่งเสริมการใช้แรงงานเด็ก และต่อต้านการทุจริตทุกรูปแบบ ซึ่งเป็นหลักการสำคัญในการปฏิบัติตามนโยบาย 8 ประการของบริษัทฯ ดังต่อไปนี้

The Company gives importance to basic human rights in order to promote respect for the rights and freedoms of all without any form of discrimination. Zero tolerance for all acts of human trafficking and all forms of forced, bonded, slave and indentured labor; promoting equality by not engaging in gender-based and class-based discrimination; not allowing or encouraging child labor; and resisting all forms of corruption; are central to compliance with the eight core policies of the Company as follows:

- นโยบายการสรรหาด้วยความรับผิดชอบและเป็นธรรม คู่ค้ามุ่งมั่นที่จะรักษาหลักการและแนวทางการสรรหาด้วยความรับผิดชอบและเป็นธรรม ซึ่งเคารพ ปกป้อง และปฏิบัติตามสิทธิมนุษยชนที่เป็นที่ยอมรับในระดับสากล รวมถึงข้อปฏิบัติมาตรฐานแรงงานระหว่างประเทศ โดยเฉพาะอย่างยิ่งสิทธิเสรีภาพในการสมาคมและการต่อรองร่วมกัน การป้องกันและขจัดแรงงานบังคับ แรงงานเด็ก และการเลือกปฏิบัติในทุกขั้นตอนของกระบวนการสรรหาบุคลากรและการจ้างงาน
- **Responsible Recruitment Policy** - Suppliers are committed to maintaining responsible recruitment principles and guidelines that respect, protect and comply with internationally recognized human rights, including international labor standards and regulations especially the right to freedom of association and collective bargaining, prevention and elimination of forced labor, child labor and discrimination, in every step of the recruitment and employment processes.
- นโยบายสภาพการทำงานที่มีคุณค่า คู่ค้าให้ความสำคัญในหลักการพื้นฐานและสิทธิในการทำงาน ตามมาตรฐานหลักขององค์กรแรงงานระหว่างประเทศ) ซึ่งก่อให้เกิดการจ้างงานที่มีประสิทธิผลและการสร้างรายได้สำหรับผู้หญิงและผู้ชายอย่างเท่าเทียม และที่มีการกำหนดในเรื่องของการคุ้มครองทางสังคมและการส่งเสริมให้มีการเจรจาทางสังคม ทั้งนี้ คู่ค้าต้องปฏิบัติตามกฎหมาย กฎ และข้อบังคับเกี่ยวกับการจ่ายค่าจ้างและชั่วโมงการทำงานที่บังคับใช้ทั้งหมด โดยรวมถึงเรื่องการกำหนดชั่วโมงการทำงานสูงสุด การทำงานนอกเวลาวันหยุด วันลา และวันหยุดราชการให้เหมาะสม
- **Decent Work Conditions Policy** - Suppliers must respect basic principles of decent work (according to the International Labor Organization's standards) that provide effective employment and income generation equally for women and men, require social protection for and promote social dialogue among workers. Business partners must abide by Thai Labor Laws. Suppliers must follow all applicable rules and regulations regarding wage payments and working hours, including maximum working hours, overtime, holidays, leave and benefits as appropriate
- นโยบายไม่เลือกปฏิบัติ คู่ค้าต้องเคารพในศักดิ์ศรีของพนักงาน ปฏิบัติต่อพนักงาน อย่างเป็นธรรมและเท่าเทียม ไม่ละเมิดสิทธิมนุษยชน ไม่กดขี่บังคับใช้แรงงาน และไม่เลือกปฏิบัติ เนื่องจากความแตกต่างด้านเชื้อชาติ ศาสนา เพศ อายุ การศึกษา ความเชื่อ หรือเรื่องอื่นใดก็ตาม

- **Non-discrimination Policy** - Suppliers must respect the dignity of their employees and workers who will be treated fairly and equitably, without violating human rights, not oppressing them with forced labor and not discriminating against any differences in race, religion, gender, age, education, beliefs or any other subject.
- นโยบายไม่ใช้แรงงานเด็ก คู่ค้าจะปฏิบัติตามกฎหมายและหลักสากลด้านแรงงาน โดยต้องมั่นใจว่าไม่มีการใช้แรงงาน ที่มีอายุต่ำกว่าเกณฑ์ ในการผลิตหรือจัดจำหน่ายสินค้าหรือบริการของตน
- **No Child Labor Policy** - Business Partners shall comply with international labor laws and principles by making sure that NO worker under the minimum age considered as child labor (in the industry sector) is involved in the production or distribution of their products or services.
- นโยบายไม่ใช้แรงงานบังคับ คู่ค้าต้องไม่กระทำการบังคับ ลงโทษ หรือใช้สัญญาผูกมัดแรงงาน คู่ค้าต้องมั่นใจว่าการจ้างงานเป็นไปอย่างสมัครใจ และต้องไม่ร้องขอให้ลูกจ้างปฏิบัติงานโดยไม่สมัครใจ คู่ค้าจะต้องไม่เรียกเก็บเงิน หรือเอกสารตามกฎหมายที่ใช้สำหรับการจ้างงานของลูกจ้าง (เช่น บัตรประจำตัวประชาชน หนังสือเดินทาง หรือใบอนุญาตการทำงาน) เพื่อเป็นหลักประกันการทำงาน เว้นแต่ เป็นการดำเนินการที่ไม่ขัดต่อกฎหมาย
- **No Forced Labor Policy** - Suppliers must not enforce penalties or indentured labor contracts. Business partners must ensure that employment is voluntary and must not force workers to work involuntarily. Suppliers must not charge fees for official legal documents required for employment (such as an identification card, passport or work permit) nor ask for guarantee for work, unless it is an act that is not against the law.
- นโยบายเสรีภาพในการสมาคมและการร่วมเจรจาต่อรอง คู่ค้าจะต้องยอมรับ ไม่กีดกันและเคารพสิทธิของลูกจ้างในเสรีภาพในการสมาคมและการร่วมเจรจา ต่อรองตามที่กฎหมายกำหนด
- **Freedom of Association and Collective Bargaining Policy** - Supplier must accept, recognize, respect and not deprive the rights of employees to freedom of association and collective bargaining as required by law.
- นโยบายต่อต้านการค้ามนุษย์ คู่ค้าต้องไม่เกี่ยวข้องกับทุกระบวนการของการค้ามนุษย์ และยึดถือแนวปฏิบัติเกี่ยวกับการป้องกัน ปราบปราม ช่วยเหลือและคุ้มครองผู้เสียหายจากการค้ามนุษย์
- **Anti-Human Trafficking Policy** - Supplier must not be involved in any form or step or process of human trafficking and will adhere to guidelines on prevention, suppression of human trafficking as well as aid and protection for victims of human trafficking.
- นโยบายกลไกการร้องเรียน ร้องทุกข์และการแก้ไขเยียวยา คู่ค้าจัดหาช่องทางการสื่อสารสำหรับพนักงานทุกคน โดยเฉพาะพนักงานที่มีความเปราะบาง อาทิ แรงงานข้ามชาติ และผู้หญิง เพื่อให้สามารถเข้าถึงข้อกังวลใจของพนักงานและช่วยเหลือ แก้ไข และเยียวยาข้อร้องเรียนร้องทุกข์ที่เกิดขึ้นได้

- **Grievance and Remediation Policy** - Supplier will provide communication channels for all employees, especially vulnerable employees, such as migrant workers and women, in order to be able to hear their concerns and help them solve and remedy complaints and grievances that can occur.

บริษัทฯ คาดหวังให้คู่ค้าทุกราย ยึดมั่นและปฏิบัติตามจรรยาบรรณธุรกิจ โดยมุ่งมั่นดำเนินธุรกิจ อย่างมีจริยธรรม โปร่งใส ตรวจสอบได้

The Company expects every Business Partner to adhere to our requirements for Business Ethics and Labor & Human Rights Practices compliance. We expect such commitment to be ethical, transparent and verifiable.

คู่ค้าได้อ่าน และเข้าใจข้อความในจรรยาบรรณฉบับนี้โดยตลอดแล้ว และจะปฏิบัติตามอย่างเคร่งครัด เพื่อเป็นหลักฐาน ข้าพเจ้าจึงได้ลงลายมือชื่อและประทับตราไว้เป็นสำคัญ

The Supplier/ Business Partner has read the above requirements, understands the terms of this Code of Conduct and will comply strictly as evidence of commitment. This Code of Conduct has been signed and stamped with the company seal and is an official document.

คู่ค้าลงนามรับรองและประทับตราบริษัท (ถ้ามี)

Supplier signature and certification with the company seal (if any) and date of signing

ชื่อบริษัทคู่ค้า.....

ลงชื่อ.....

()

ตำแหน่ง.....

วันที่.....

Partner Company Name

Sign.....

()

Position.....

Date.....