

Category management due diligence

Version 1.0

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How to use this guidance

This document covers issues to be aware of and working through third parties for each of the areas listed below. It also includes suggested questions to use in requests for proposals (RfPs) when pre-approving suppliers of these services. Use the links as shortcuts to reach the parts of the document you need.

Hotels and venues

• Questions to ask hotels pre-selection in RfPs

Transport and drivers

• Questions to ask transport providers pre-selection in RfPs

Security services

- Questions to ask private security providers pre-selection in RfPs
- Working with public security

Introduction

Productions use ancillary services all over the world and often rely on procurement support to help them select the right providers. This toolkit looks at three categories of ancillary services that pose particular human rights risks: hotels, transport and security. The purpose of this guidance is to help productions consider some of the risks and issues when they provide support to productions for these categories and to provide them with greater confidence in conducting due diligence.

Audience and use

This toolkit is aimed at procurement teams responsible for issuing requests for proposals (RfPs) and conducting due diligence on behalf of productions, including those with particular responsibility for approving suppliers of hotels, drivers and security services. It complements <u>Toolkit: Pre-approval process</u> for suppliers.

These tools are regularly reviewed and revised, building on the experience in practice of those using them. Please flag any amends or raise any suggestions with the TV Industry Human Rights Forum by contacting amelia.knott@tvhumanrights.org.

1. Hotels and venues

Issues to be aware of in the hotel sector

- Hotels often rely on labour suppliers, agencies or other third parties to provide security, housekeeping, landscaping and cleaning services, which can increase the risk of unfair recruitment and employment practices taking place.
- Services such as laundry are frequently outsourced to subcontractors and undertaken offsite so that exploitative practices are hard to spot.
- Many who work in hotels worldwide are migrant workers, who may have fewer rights, may find it harder to know about and understand what rights they are entitled to and may lack support networks in the place they are working.
- Hotels provide privacy meaning that they can be unwitting or complicit hosts to sexual exploitation and child sexual exploitation.

Booking through a travel agency

If hotels are being booked through a travel agency, due diligence requirements should form part of the contract with that agency, either requiring the agency to conduct and provide evidence of due diligence or requiring the agency to facilitate direct information gathering.

Agencies should also be asked to clarify whether trafficking and exploitation issues can be raised with the authorities without putting victims at further risk or whether there are other routes for raising concerns, such as local NGOs.

Some travel agencies will conduct reconnaissance visits to carry out their own checks, such as on safety. If this is the case, then there is an opportunity to require such agencies to add worker welfare to their checks, including:

- General observations of workers
- Asking about shift lengths, overtime and rest days
- Asking whether staff have to provide or pay for their own uniforms or equipment
- Asking whether any jobs are tied to accommodation
- Asking about proportion of agency or subcontracted workers and identifying any differences in treatment or conditions

If teams spot potential poor working practices in hotels or venues, they should:

- Make sure they do not put themselves in danger
- Understand whether law enforcement is likely to be helpful or complicit
- Notify local law enforcement or trafficking helplines if appropriate and not likely to further imperil potential victims
- · Notify a local not-for-profit organisation that works on these issues if law enforcement is not reliable
- Notify the broadcaster team that leads on human rights for support and advice

Questions to ask hotels pre-selection in RfPs

Questions to include in RfPs	Red flags	Good practice to look out for
 Does your hotel have a policy against human trafficking and labour exploitation? If yes, 1. Please supply a copy 2. How is it communicated and to whom? 3. How do you monitor adherence to the policy? Does your hotel have a supplier code of conduct or 	Large hotel or hotel that is part of a chain with no policy	 Identification of industry-specific risks Management level accountability Clear information about how it is communicated A process for monitoring adherence to the policy Specific document targeted at suppliers with explicit
procurement policy that clearly addresses human trafficking and labour exploitation? If yes, Please supply a copy How is it communicated to suppliers? How do you monitor adherence to the policy or code? 3. Does your hotel have a policy on non-discrimination, anti-bullying and harassment?		 Specific document targeted at suppliers with explicit reference to human trafficking or slavery and other forms of labour exploitation Clarity as to how it is communicated to suppliers A process for checking that suppliers comply with the requirements If non-compliance is found, a process that puts potential victims first rather than opting for terminating supplier contracts in the first instance A clear commitment with management level accountability An appropriate process for addressing complaints
 If yes, Please supply a copy How do you monitor adherence to the policy? 		A policy of non-retaliation against complainants
 4. Does your hotel have a policy related to the use of recruitment agencies to fill staff vacancies? If yes, Please supply a copy Explain which roles are filled using recruitment agencies 	Extensive use of recruitment agencies but no policy or processes to govern this	 Policy commitments to: Reduce use of recruitment agencies and recruit directly as much as possible Limit use of recruitment agencies to those that are regulated and licensed by their country of operation Require recruitment agencies to comply with minimum standards related to recruitment and employment practices Conduct regular checks on the practices of recruitment agencies to ensure they do not charge recruitment fees or deceive workers about employment conditions

5. What due diligence checks do you conduct on the recruitment agencies you use?		 Reference checks before engaging an agency Direct checks with workers to verify agency processes Audits and/or checks that agencies comply with minimum standards or relevant certification processes
6. a. What checks do you make on the recruitment and employment conditions of indirect workers on site, ie those who are temporary, agency or employed by subcontractors?	No checks carried out and no explanation given	 Checks against each of the bullet points listed A process in place for dealing with discrepancies, poor practice or more serious issues
 If any of the following checks are made, please include them in your answer: Whether they have been charged recruitment fees Whether they have a written employment contract in a language they can understand Whether their contract was received in advance of starting the job Whether they are in possession of their identity documents, bank cards and belongings Whether they are required to pay for their own uniforms and/or protective equipment Whether they are in receipt of the right employment allowances and the legal minimum wage after any deductions are made Whether any deductions made are in accordance with national legislation Whether their working hours, overtime, rest breaks and days off meet national legislation and international standards of good practice 		
b. Please explain how often these checks are carried out and by whom	Extensive list made for question 6a and no detail given for question 6b	 Regular means of monitoring the conditions of indirect workers Individuals with particular responsibility and training to conduct such checks

 6. What checks do you make on the recruitment and employment practices of suppliers of outsourced services, e.g. laundry? 7. Do you carry out any checks on the living situations of your workers? If yes, please give details. 	Large hotel or chain hotel that conducts no checks	 Comprehensive due diligence checks, including visits, regular engagement, audits, reference checks and questioning on working conditions Checks on accommodation where it is provided by an employer or agency Checks on accommodation used by migrant workers (can be
		both desk reviews to identify where groups are sharing addresses and visits to ensure accommodation is of an adequate standard)
8. a. In what ways can staff raise concerns?	No mechanisms for workers to raise concerns or very	 Variety of channels available from informal to formal Option of anonymous reporting available Channels publicised to staff Monitoring to show that staff are or would be willing to use these channels to report issues
 b. Are these channels open to agency workers, temporary workers and those working via subcontractors as well? If no, please explain what ways these workers can raise concerns 	weak channels suggested (e.g. talk to a manager)	Channels available to all workers who might need them, regardless of their employment status
9. What processes does your company follow if a concern is raised?	Ad hoc process	 Clearly laid out transparent process with reasonable timeframes Confidentiality is protected Written records are kept at all stages of the process Delineation of responsibilities Policy and process is communicated clearly Commitment to ensure non-retaliation
10. Do you provide training for direct and indirect workers to identify and report suspicions that might indicate human trafficking or exploitation? If yes, please give details about the training content and who receives it.	No training provided	 Training to help identify exploitation occurring at the hotel or venue, e.g. sex trafficking, child sexual exploitation, forced labour Training should be regular and specific, targeted at relevant audiences

2. Transport and drivers

Issues to be aware of in relation to transport and drivers

- Drivers are sometimes seen as being at the bottom of the hierarchy of workers in productions but they face some of the same risks as other members of production teams.
- The ability of local drivers to navigate challenging terrain or hostile environments may be crucial to the whole team's safety and security.
- For news and documentary teams, it appears common to rely on fixers to find drivers, meaning that any vetting takes place through a third party and may not take place at all.
- Drivers need adequate rest breaks in order to drive safely this is stipulated by law in some countries and should be an important consideration in all locations, sometimes requiring additional drivers to provide the cover needed to meet requirements.
- There have been (unconfirmed) reports in the UK of some transport providers using Showmen's licences for TV productions in order to extend driver working hours (no tachograph is required in Showmen's vehicles, which are also exempt from driving hours regulations) and undercut other providers that prioritise safety and driver welfare.

Booking through a travel/transportation agency

If transport and drivers are being booked and/or managed through a travel agency, due diligence requirements should form part of the contract with that agency, requiring the agency to conduct and provide evidence of due diligence as well as requiring them to monitor driver welfare during the course of the contract. There are different ways that drivers may be employed by companies that specialise in transport for productions:

- Using a pool of vetted trained drivers who are sent out to locations
- Recruiting locally
- Working with a local service provider

Travel agencies often manage the transport schedule and are able to monitor hours and working conditions of drivers, even where they are provided by a third party. This role should include ensuring minimum standards of welfare for drivers, such as ensuring they have access to food, water and toilet facilities while they are on shift. If drivers raise concerns about their working conditions, the travel agency should seek to resolve these rather than requesting changes to the drivers.

Questions to ask transport providers pre-selection in RfPs

Questions to include in RfPs	Red flags	Good practice to look out for
 How do you find drivers? i.e. from where do you recruit and/or how do you find local service providers to work with? 	Reliance on third parties with no checks in place	 Direct recruitment Reference checks
2. What criteria do you use for recruiting drivers?	No criteria	Qualifications and experienceCommitment to safety
3. What checks do you carry out on individual drivers (whether your own or provided through a third party)?	Unable to articulate checks	 Checks on licences, relevant qualifications and safety training Checks on their experience of recruitment and whether they have paid fees
4. If you work with third party transport companies/local service providers, what checks and due diligence do you carry out on those third parties in advance?	No checks that factor in conditions for drivers	 Reference checks that ask about working conditions for drivers Visits, engagement with management and document inspection
5. What training or inductions do you provide to drivers when you work with them for the first time?	None provided or reliance on third party	 Safety expectations Setting out expectations in relation to welfare and how drivers can raise concerns about their own working/living conditions or those of others
 6. What policies or standards do you operate under in relation to the following: Pay Hours Breaks Leave Sickness Subsistence Accommodation Insurance Safety 	No apparent consideration for driver welfare in policies	 Living wage or above (not only minimum wage) Firm policies in relation to hours and breaks to ensure that drivers are not fatigued Supporting drivers to take holidays and sick leave (NB many drivers are required to be self-employed and may not be legally entitled to holiday or sick pay but good practices is to support them regardless) Ensuring that drivers have access to meals, places to rest and adequate accommodation, i.e. are never expected to sleep in their vehicles or go without food during shifts Providing insurance, safety training and support

7. What is the nature of the employment relationship with	All subcontracted or all	Recognition that self-employment gives people limited
your drivers, e.g. salaried on payroll, short-term	self-employed, without	employment rights and those who are also on low wages
temporary contracts, subcontracted by other third	clear rationale or	are among the most vulnerable and precarious workers s
parties, drivers are self-employed? If the answer is a	without additional	good practices involve going above and beyond legal
combination, then please give details.	checks and/or support	minimums
8. Do you ensure that all drivers working with you receive a	No contracts and/or no	Every driver receives a written contract in advance of
written contract in a language that they understand	checks on languages	starting work
(either from you as the employer or from the third party	and understanding	Company checks that all drivers have understood their
through whom the drivers work)?		contracts
9. What monitoring will you carry out during the production	Nothing in relation to	Monitoring of working hours
in terms of driver welfare?	driver welfare	Checks on accommodation
		Regular dialogue with drivers to pick up any issues
10. What checks do you carry out on your existing roster of	No checks	Regular checks
drivers and how often?		
11. What training do you provide to your existing roster/pool	No training	Regular training, including on safety
of drivers and how often?		
12. How will/do you manage late changes to demand or	No plans or plan relies	Accrediting a buffer of drivers to cover last minute
unpredictable request?	on drivers working	demand and ensure appropriate rest breaks
	longer shifts	Being prepared to say no to clients if it's not possible to
		get the right people safely, who have been through the
		checks.
13. What are the [top three] risks to drivers in terms of their	Unable to articulate	Clearly articulated risks that focus on the welfare of
health, safety and wellbeing in the supply of your services	risks	drivers, not on the risk to the service being supplied
to productions?		

3. Security services

The term 'security' covers a wide range of services, from static guarding, to close protection, crisis management, training and advisory work. It is about protecting people, locations and equipment. It may be carried out by public security providers, such as law enforcement agencies, or private security providers. Both should be vetted by broadcasters.

Security practices carry a range of human rights risks, including to crews or production teams, to local communities or bystanders and to the security personnel themselves.

Issues to be aware of in relation to private security providers

- Private security providers may not adequately pay their employees or provide safe working conditions.
- Private security personnel may lack adequate training to respect human rights in their day-to-day security duties.
- Non-local private security providers may be unaware of or lack training in the culture, traditions and values of the local community. This may result in security practices that could be considered culturally inappropriate or disrespectful, leading to increased risk of conflict.
- Private security personnel may not always have equipment that allows for a graduated use of force or may carry inappropriate weapons and firearms.
- Public security personnel may work for private security providers when off-duty. This may create confusion over roles and responsibilities, which may lead to inappropriate practices, particularly in terms of the use of force, apprehension and detention.
- Companies working with both public and private security may face multiple lines of communication, poor communication, inadequate coordination and resulting difficulties in investigating human rights abuses.
- Private security providers may have to act as first responders in high-risk situations or to otherwise deal with situations that are normally the responsibility of public security forces.

Key resource

Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the International Committee of the Red Cross (ICRC) Toolkit v3 (2014), Addressing Security and Human Rights Challenges in Complex Environments

Exclusion criteria for private security providers

- Failure to share valid equipment licences and evidence of training
- Conviction of the company or management for conduct related to excessive use of force
- Proven breaches of international humanitarian and human rights law
- Independent reports of abuses or proceedings before international bodies

Potential worker welfare issues for static security guards

- Security personal often work outside in exposed conditions and need the right protective clothing for different types of weather
- Long shifts of 12 hours are common (sometimes up to 48 hours) and pay is usually low
- Night working and solo working are common, sometimes without access to toilets or shelter
- Understaffing is common on TV productions but can mean that security personnel feel unable to take their rest breaks
- Security personnel are most at risk of experiencing physical violence
- Security personnel may not be included as part of crew so have to make their own arrangements for food and drink
- Static guards regularly find that they have been booked somewhere where they have no access to toilet facilities, no access to power for their vehicles and/or nowhere to shelter at all
- Security personnel may experience mistreatment or bullying by others due to hierarchies and not being considered as part of the production team

Contractual requirements to make of private security providers

- Be a signatory of the International Code of Conduct Association (ICOCA) or work towards becoming a signatory
- Require providers to get permission before outsourcing security services further
- Set minimum standards in relation to working conditions
- Stipulate no armed security and, if unavoidable, stipulate that they do not travel in the same vehicles and that they cannot engage
- Require them to share valid equipment licences and evidence of training

The International Code of Conduct Association (ICoCA)

- ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect human rights and humanitarian law.
- It serves as the governance and oversight mechanisms of the International Code of Conduct for Private Security Service Providers (the 'Code').
- The Code articulates responsibilities of private security companies under human rights and international humanitarian law to ensure the responsible provision of private security services, particularly when operating in complex environments.
- See https://icoca.ch/about/

Additional checks to make on private security providers

- Has the company or management been involved in any proven breaches of international humanitarian and human rights law?
- Has the company or management been referenced in any independent reports of abuses or proceedings before international bodies?
- Request documentation on past performance and service and criminal records of employees

Questions to ask private security providers pre-selection in RfPs

Questions to include in RfPs	Red flags	Good practice to look out for
 Are you a signatory of the International Code of Conduct Association (ICOCA) https://icoca.ch/about? 	Refusal to consider ICOCA	Being a signatory or working towards becoming one
2. How and from where do you recruit security personnel?	Reliance on third parties with no checks in place	Direct recruitmentReference checks
3. What criteria do you use in your recruitment processes?	No criteria	Focus on qualifications and experience
4. What checks and screening do you carry out on your security personnel?	No checks	 Checks on licences, training and criminal records Checks on their recruitment experience and whether they have been charged any fees
5. If you use agencies to recruit personnel, what due diligence do you conduct on those agencies?	No due diligence	 Thorough checks on agency track record, including reference checks Review of agency systems for recruitment (ideally via audit or other process) Use of agencies that have signed up to best practice recruitment standards, e.g. the Association of Labour Providers (ALP) Checks on individuals provided by agencies to review their experience of the recruitment process
6. How do you know whether recruitment fees have been charged to personnel or not?	Cannot answer the question	Checks made with every individual or direct recruitment only
7. What training do you provide to your security personnel? Please respond with reference to use of force and firearms, de-escalation techniques, human rights and international humanitarian law	No training provided	Regular high quality training that includes use of force and firearms, de-escalation techniques, human rights and international humanitarian law (where appropriate for the type of work being undertaken)
8. Do you use zero hours contracts at all? If yes, please provide details about how you use them and whether all those working under such contracts have a copy of their employment Ts & Cs.	Over reliance on zero hours to the clear disadvantage of those on them	 Ensuring every worker has a written contract Ensuring no worker is penalised for turning away work under zero hours and that if work is cancelled at the last minute, that they are compensated for it

9. Are any of your workers self-employed? If yes, please provide details about their conditions of employment and explain whether you provide any support to people to help them register formally as self-employed.	All self-employed and no support provided	•	Recognition that self-employment gives people limited employment rights and those who are also on low wages are among the most vulnerable and precarious workers so good practices involve going above and beyond legal minimums
10. Do you have a living wage policy and, if so, does this extend to temporary/agency workers?	No understanding of what a living wage is	•	Living wage policy that extends to all workers, regardless of whether they are temporary, permanent or agency
11. Where working locations vary, do you take account of travel time when looking at shift lengths and do you pay workers for travel time?	Travel time potentially long (over 1 hour) but not paid or taken into account in shift planning	•	Knowledge of worker travel time Travel time factored into shift planning to ensure that individuals have adequate rest between shifts and will not be required to drive long distances when tired Accommodation provided and paid for when travel time is excessive Travel time paid for as part of a shift
12. How do you manage shifts and make sure that workers are not working excessively long hours and have adequate time off in between shifts?	Shifts longer than 12 hours maximum		Sufficient personnel to ensure no shifts are longer than 12 hours Appropriate rest breaks and places to take breaks during and between shifts
13. What clothing or protective equipment do you supply to your security personnel and what are they required to hire or pay for themselves?	Personnel required to pay for or hire PPE out of salary, bringing them below minimum wage	•	Adequate PPE (including weatherproof clothing) provided to all personnel at no cost to them
14. What requirements do you make of clients in relation to the welfare of security personnel (e.g. access to food, shelter, hygiene facilities)?	No requirements and no checks, risking the dignity and welfare of personnel	•	Stipulating conditions that meet basic requirements for access to food, shelter and toilets
15. Please clarify the scope of the role of your security personnel – what they are expected to do and when they will not engage	Low paid personnel who are expected to put themselves at physical risk	•	Clear boundaries that set and manage expectations, which are appropriate to the pay level, qualifications and experience of the security personnel
16. How can your security personnel raise concerns about their working conditions or those of others?	Nothing beyond 'tell the manager'	•	More than one channel available, including a confidential reporting route

17. What processes do you have in place to respond to concerns raised by security personnel or by others in relation to their conduct or working conditions?	Informal or no process	An established procedure in place that sets timeframes, clarifies responsibilities, explains decision-making processes, involves a right of appeal and is clearly communicated
18. Has your company or any of its management been convicted of conduct related to excessive use of force?	Yes	A policy on use of force and demonstration of how it is implemented
19. What are the [top three] risks to security personnel in terms of their health, safety and wellbeing in the supply of your services to productions?	Unable to articulate risks	Clearly articulated risks that focus on the welfare of security personnel, not on the risk to the service being supplied
20. How will you monitor the welfare of your security personnel when they are working on our production(s)?	No plans	 Clear process in place for regular checks, such as frequent communications with personnel If appropriate, a site visit

Tips

- Seek to build strong relationships with security providers so that they understand requirements and are able to share concerns and issues at an early stage
- Avoid third party vetting if possible
- Ensure a constant process of assessment through feedback from crews and dialogue with security providers

Working with public security

Public security providers include police, other law enforcement agencies and military. They tend to support broadcast teams at some sporting events, and they may coordinate with news teams covering other types of events. Sometimes local law enforcement support other types of TV productions as well, such as if a public space is needed for filming entertainment or drama production.

Issues to be aware of in relation to public security providers

- Broadcasters may be 'obliged' to work with public security...without knowing in advance the numbers and operational capabilities, as well as the rules and restrictions governing public security forces assigned to their area of operations.
- Public security forces may suffer from insufficient human resources, low salaries, inadequate training and poor equipment. This may increase the risk that they engage in criminal activity or human rights violations.
- If payments (cash and in-kind) to public security forces in exchange for their services are not transparent, this may raise suspicions of corruption.
- Public security forces protecting broadcaster/production personnel and assets may risk prioritising the security of the broadcaster's/production's operations over the security of the local population.
- Public security forces may be unprepared and untrained to use force appropriately.
- Public security providers can also create risks for broadcasters where they are present and may be responsible for assaults on journalists and their teams.

Good practice

- Check the performance record of public security forces
- Assess whether they have been accused of severe human rights abuses and, if so, whether victims were able to access justice
- If possible, ask about training and use of force principles

Key resource

Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the International Committee of the Red Cross (ICRC) Toolkit v3 (2014), Addressing Security and Human Rights Challenges in Complex Environments