



THE CHALLENGES OF CERTIFICATION IN ADDRESSING FORCED LABOR

Certification systems can help relay production information to different stakeholders in a given supply chain. In the areas of environmental protection and social accountability, these systems are used to evaluate and audit products and services according to environmental or social standards, and are sometimes combined with easily recognizable labels intended to help consumers differentiate between companies.

Over the years, such certification systems have multiplied to address evolving challenges in global supply chains. Some systems address environmental sustainability or fair trade, while others look at labor conditions or animal welfare. And some of these systems bestow certain certificates and public-facing labels to enhance transparency and spur responsible business conduct. Such labeling can be important; however, achieving the desired end is an iterative process that must adapt to continually changing operating environments.

COMMON CERTIFICATION PROCESSES

Although systems differ, the process often begins with various stakeholders negotiating a set of standards they seek to uphold—often for industry but not exclusively. Depending on the purpose, a standard-setting body may be comprised of members of the business community, subject matter experts, governments, and NGO representatives.

In many cases, once standards have been negotiated, companies may begin to apply for certification. The certification process is usually conducted through independent audits by an accredited third party. Certification may constitute a written statement that a product or service meets the criteria agreed upon by the standard-setting body. For some consumer-facing products, an additional stage can involve labeling a product as certified so companies can clearly communicate to consumers that products have met a certain standard.

CERTIFICATION AND HUMAN TRAFFICKING

There are very few existing certification systems able to verify the absence of human trafficking throughout a given supply chain. Human trafficking often begins with fraudulent and unscrupulous labor recruitment practices, such as charging workers recruitment fees and confiscating identity documents. These deceptive practices and “debts” render workers vulnerable to compelled servitude, a vulnerability exacerbated in situations where work sites are remote, workers are far from home, and/or internationally recognized labor rights are not respected or labor laws not enforced. These circumstances, in turn, can also make data gathering exceedingly challenging and resource-intensive. Moreover, most certification systems

EXAMPLES OF CERTIFICATION SYSTEMS:

Animal Welfare Approved

Certified Humane

Cradle to Cradle

Fair Food Standards Council

Fair Trade USA

Forest Stewardship Council

GoodWeave

Marine Stewardship Council

Rain Forest Alliance

Roundtable on Sustainable Palm Oil

SA8000

Soil Association

World Fair Trade Organization

Worldwide Responsible Accredited Production

that address labor issues tend to focus on conditions in facilities at the final stages of production. Few adequately address human trafficking *throughout* supply chains. Instances of forced labor that occur in sub-contracted facilities and in the growing or mining of commodities remain challenging to identify and address, even for established labor certification and compliance systems.

There may be room for collaboration and learning between environmental and other social accountability certification systems, on the one hand, and anti-trafficking advocates, on the other. As noted in the introduction of the 2014 *Trafficking in Persons Report*, individuals who exploit vulnerable workers may also engage in activities damaging to the environment, including overfishing, deforestation, soil and water contamination, and wetlands destruction. Many existing certification systems address these environmental harms but do not include anti-trafficking measures in their standards. As certification systems continue to develop, multidisciplinary and multi-stakeholder partnerships in this area may hold some promise.

WHAT CAN COMPANIES DO?

As a start, companies can conduct a basic mapping of their supply chains, all the way through to sourced commodities, in order to truly understand their potential impact on human trafficking. Similarly, they can expand both their knowledge of and control over the recruitment systems that bring workers to production facilities and service industries. Educating managers and workers onsite during working hours about their rights and about human trafficking can also increase identification of labor exploitation and more severe abuses. Companies should also make available grievance mechanisms for employees to report abuses occurring in the workplace without fear of retribution. Whatever the level of engagement, the private sector should make public what they do and learn, and commit to continually improve their operations. For additional information about what companies can do to act in a responsible manner throughout their operations, see *U.S. Government Approach to Business and Human Rights* on www.HumanRights.gov.

Executive Order 13627—Strengthening Protections Against Trafficking in Persons in Federal Contracts—prohibits federal contractors and subcontractors (and their employees) from, among other things:

- » **deceiving employees about key terms and conditions of employment;**
- » **charging employees recruitment fees; and**
- » **confiscating or otherwise denying an employee access to identity documents.**

WHAT CAN CONSUMERS DO?

While consumers must understand that a particular label or certificate, in and of itself, cannot convey with absolute certainty that a product is free of forced labor, consumers nevertheless have the power to demand accountability and change corporate behavior. Gathering information about products can help a consumer make smart purchases. Using tools such as Slavery Footprint (www.slaveryfootprint.org) gives users information on companies' labor standards and production practices. Beyond making individual purchasing choices, consumers can contact companies or certifying organizations to ask what they are doing to reengineer value chains to address the most abusive labor conditions, including human trafficking.



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