

Principle 4

NO WORKERS' PASSPORTS OR IDENTITY DOCUMENTS ARE RETAINED

Migrant workers should have free and complete access to their own passport, identity documents, and residency papers, and enjoy freedom of movement.

Confiscation and retention of migrant workers' passports, visas and other working documents by employers or migrant recruiters is common. This is a contributory factor towards bonded and forced labour and human trafficking. The practice allows the employer/broker to control workers' freedom of movement, ability to change jobs and consequently, often compromises the worker's willingness to complain about poor conditions.

Not being in possession of identity documents makes migrant workers vulnerable to unwarranted attention from local police and security services and can make it difficult to access consular/diplomatic assistance, banking, healthcare and other services.

If working or living conditions are hazardous or fail to live up to contractual expectations, migrant workers sometimes leave the workplace and forfeit their passports, residence and other identity documents. This increases their vulnerability, by rendering them undocumented migrant workers with no legal residence status, unable to find regular/ formal work, and without access to any medical or social services.

IMPLEMENTATION STEPS

- No employer or migrant recruiter should confiscate, or withhold the passports, work permits, or other identity documents, of any migrant worker without their consent. Where the law requires presentation of such documents by the employer, the employer can access the documents but should return them promptly to the worker. Only duplicates should be held by the employer in the workers' personnel files.
- No employer should retain identity documents as a means of restricting a worker's freedom of movement, or to bind them to a particular job, even as a means of deterring migrant workers from breaking the terms of their visas.
- Migrant workers should have access to individual, safe, lockable storage for important documents and other valuables. If migrant workers specifically request that the employer holds their documents for safekeeping, there should be clear and simple procedures for workers to access or take back their documents at any time.
- Where voluntary safeguarding systems are in place for key documents, it should be made clear to workers in their conditions of employment that they shall have free, direct and immediate access to them on request. Employers should retain a written record of the worker's consent.
- Temporary or local identity cards and other smart cards can offer useful additional identification documentation for migrant workers but should not be a substitute for workers' retaining control over their own passports and other similar official documents.
- No employer or migrant recruiter should withhold the bankbooks, ATM or credit cards of any migrant worker.