

ANNEX 6: INFORMATION GATHERING SHEET

The following questions will help the FLR team understand the facts surrounding the incident, determine whether it is a forced labour case, and determine the type and level of response. Depending on the incident, the FLR team could ask follow-up questions for the investigation.

Investigation date:

The person who conducted the investigation:

1. What has occurred?
2. What is the period during which the incident occurred? If there are multiple incidents, indicate the relevant timeframes. For incidents that occurred over a span of time, the chronology of the incidents and identify those who are or were involved.
3. Is the incident contained (i.e. it has occurred and is no longer happening) or ongoing? Is it a one-off incident or one that occurs repeatedly?
4. Who has been impacted, and how?
 - What is the description of those impacted and their link to the company? (e.g. name, nationality, worker ID number, gender, age, address, language spoken, working history in the company)
 - Who are the stakeholders involved?
 - How widespread is the issue? (e.g. how many workers are impacted)
 - Is anyone under the age of 18 involved?
 - How serious is the issue? (Consider basic rights such as rights to life, health, just and favourable work conditions, etc.)
5. Who has been involved in the workplace, and in what way? (i.e. employer, line manager, labour agents)
6. What kind of indicators or evidence of the incident do you have? (e.g. attendance sheet, payslips, testimonials, grievance report, etc.). Please attach any written evidence to the form.
7. Is the impacted worker in immediate danger of further harm?
 - Are the impacts getting worse each day?
 - Does the impacted worker need immediate support? e.g. hospital treatment
 - Is there a risk of losing track or contact with the worker?
 - Is there any chance that more victims could appear or an imminent chance the issue could recur?
8. Have actions been taken to support the affected worker(s) e.g. bring the worker(s) to a safe place, offer accommodation)? If yes, what actions were taken?

9. Who knows what?

- Does the management (e.g. line manager, operation manager) know about the incident?
 - ☐ Is the management likely to have been complicit?
 - ☐ Has the management attempted to hide its practices? i.e. Is the issue likely to result from deliberate criminal activity or a lack of knowledge/capacity to do better?
- Who else knows about the incident?
- Has the case been reported before? If yes, to whom and what happened after the reporting? Has the case been reported to the authorities?

10. Has the company caused, contributed to, or been directly linked to the incident? (Refer to Section 1.8 in the guidelines for an explanation of these terms)

11. Have the worker(s) or informant(s) experienced any retaliation since they reported the case?

12. Is there a need for the worker(s) to be financially compensated? If yes, is this because of:

- A. Worker(s)' unpaid wages? If yes, how much?
- B. Worker(s)' payment of recruitment fee and costs? If yes, how much?
- C. Financial compensation for the harm endured by the workers. If yes, what should be considered when calculating the compensation?
- D. Others. If yes, please specify:

13. What are the potential causes of this incident? (e.g. overseas labour agents require the workers to pay recruitment fees, and the company does not know the issue)

14. Does the incident present both the indicator(s) of involuntariness and menace/threat of penalty? Is it a forced labour case?

COMMON INDICATORS OF INVOLUNTARINESS
• ABUSE OF VULNERABILITY
• DECEPTION
• ABUSIVE WORKING AND LIVING CONDITIONS
• EXCESSIVE WORKING HOURS
COMMON INDICATORS OF MENACE/THREATS OF PENALTY
• ISOLATION
• DEBT BONDAGE
• RETENTION OF IDENTITY DOCUMENTS OR OTHER VALUABLE PERSONAL POSSESSIONS
COMMON INDICATORS OF BOTH INVOLUNTARINESS AND MENACE/THREATS OF PENALTY ¹
• RESTRICTION OF MOVEMENT
• PHYSICAL AND SEXUAL VIOLENCE
• INTIMIDATION AND THREATS
• WITHHOLDING OF WAGES

¹ If such indicators are identified, it is likely categorised as a forced labour case.

15. If the incident occurs in the company's supply chain partner, desk research on:

- Sector-specific risk: What is the history of forced labour in this sector? For instance, reliance on foreign migrant workers and payment of recruitment fees?
- Examining the company's internal records to determine if there have been forced labour and related issues at the concerned business(es), such as previously conducted audits and assessments.
- Examining grievance records (if any)/history of cases of forced labour in any reporting channels/complaints system at the concerned business(es). If no reporting channels exist, reference may be made to any dialogue channels between workers and management.
- The pay structure, policies and practices at the concerned business(es)
 - ❑ Evaluating the pay structure to understand the basic pay, how bonuses and incentives are awarded, and whether these are based on a manager's or supervisor's subjective discretion. If only supervisors and managers are incentivised, without extending the same to workers, this may lead to the persistence of conditions of forced labour.
 - ❑ Evaluating whether the concerned business(es) has (i) any policies that signify zero tolerance of forced labour conditions, and (ii) a practice of retaining workers' identity documents, restricting their freedom of movement, curtailing the use of mobile phones, and delays in paying salaries.
 - ❑ Evaluating whether the concerned business(es) employ migrant workers or temporary workers. Such an employment approach informs particular risk indicators (e.g., travel document retention, recruitment fees, etc.).

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