

3.3. Labour standards

A. PSPs may not adequately pay their employees or provide safe working conditions. In such situations private security guards may not perform their duties according to companies' expectations

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GOOD PRACTICES*

Ensure the risk assessment includes an analysis of the private security industry and specific companies' background, labour environment, national labour laws and private security regulation (See Challenge 3.1.a.)

During the bidding process pay special attention to the following aspects as part of the award criteria (See Challenge 3.2.a.):

- Employment conditions: pay and remuneration and linkage to performance, benefit packages, working conditions, types/hours of shifts worked, supervisory structure. (SCG: 6)
- Training on human rights, international humanitarian law (in situations of armed conflict), use of force and firearms, crowd management, conflict-diffusion techniques, and other skills, such as restraining or apprehending individuals.
- PSP policies and practices: labour and employment policy, human rights policy, security policy, due diligence and risk assessment practices, disciplinary procedures, health and safety policy, equal opportunities policy.
- Human resource management philosophy and practice (SCG: 7), including performance management systems.
- Existence of monitoring and supervisory as well as internal accountability mechanisms.
- "Sufficient insurance to cover risks and associated liabilities arising from (the PSP's) operations and activities", (PSC.1: 15) including insurance for its employees and compensation for grievances/complaints or associated adverse impacts on community members.
- References from similar clients, in particular from those operating in the local area. (SCG: 4)

Consider including clauses in the contract requiring the PSP to:

- ▶ Comply with the VPs, the International Code of Conduct for Private Security Service Providers (ICoC), the ILO Declaration on Fundamental Principles and Rights at Work and relevant and applicable labour laws (all these should be reflected in company policies and adopted by the PSP as a condition of procurement eligibility).
- ▶ "Ensure that their policies on the nature and scope of services they provide, on hiring of personnel and other relevant personnel reference materials such as personnel contracts include appropriate incorporation of (the ICoC)" and relevant and applicable international conventions and national labour laws. (ICoC: par. 52)

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- ▶ Communicate contract terms and conditions clearly to all personnel in a format and language that is accessible to them, (ICoC: par. 52) and provide all employees with a contract of employment in a written form setting out the terms and conditions of their employment (SCC: 4), before the start of the assignment.
- ▶ Instruct personnel on applicable legal framework(s) and guidelines on ethical conduct⁵.
- ▶ Inform personnel of all risks associated with their employment.
- ▶ Organise the work of private security personnel, in particular regarding overtime, night work and weekend work, finding a balance between “security of employment and ensuring the quality of the employee’s private life; and meeting the needs of the client.” (SCC: 4) This should be done in compliance with international norms that specify the maximum overtime allowed and, where national laws differ or are silent about this, the PSP should attempt to align with the lowest overtime threshold.
- ▶ Pay fair salaries and benefits (considering international requirements/emerging norms about fair wages) to all employees in a timely fashion, ensuring that different wages and benefits to various nationalities is “based on merit and national economic differential, and shall not be based on racial, gender or ethnic grounds”⁶ and commensurate to their responsibilities and working conditions.
- ▶ Provide security guards with personal protective equipment (e.g. bulletproof vests, safety vests, torches,...).
- ▶ Make provisions for health insurance and “insure staff (e.g. through the provision of employee life insurance schemes) against the risks associated with their work”. (SCC: 4)
- ▶ Avoid retaining the personal travel documents of their personnel or hold them “for the shortest period of time reasonable for administrative processing or other legitimate purposes.” (ICoC: par. 54)
- ▶ Ensure that PSPs will not, and will require their personnel not to, “solicit or accept, directly or indirectly, anything of value in exchange for not complying with national and international law and/or standards, or with the principles contained within this Code.” (ICoC: par. 26)
- ▶ Have a clear policy regarding the use of third party labour brokers, to avoid the risk of unethical recruitment and forced labour. Ensure that labour brokers do not charge recruitment fees, or retain travel documents, and provide clear and consistent information about the location and terms of employment and any associated travel costs and how these are to be paid.
- ▶ “Respect the right of personnel to terminate their employment.”⁷

Consider providing performance incentives for private security guards, bearing in mind the risk that in certain situations this could open the door to more demands and internal tensions.

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Ensure that grievance mechanisms are accessible to company staff, private security personnel and local communities ([See Challenge 3.10.a.](#))

- ▶ Consider placing tip boxes in areas where individuals have “unobserved access to the boxes and can drop in anonymous notes, tips or other information”, with clear instructions posted above them. (MIGA: III-16)
- ▶ Establish whistleblower protection mechanisms that guarantee protection of sources.
- ▶ Ensure access to a management focal point for direct redress of problems.