



Federal Ministry
of Labour and Social Affairs

SECTOR DIALOGUE
Energy Industry



Creating decent working conditions

A toolbox to prevent labour
exploitation in the construction of
energy infrastructure

Energy Sector Dialogue



Respecting human rights is crucial to a sustainable supply of energy. In line with the UN Guiding Principles on Business and Human Rights, the German energy industry is committed to its responsibility to respect human rights and implement corporate due diligence wherever it does business. For this reason, companies, associations, trade unions, civil society organizations, the German Institute for Human Rights, and the Federal Ministry of Labour and Social Affairs (BMAS) have joined forces in a sector dialogue on respect for human rights along the global supply and value chains of the German energy industry. More information is available at: <https://www.csr-in-deutschland.de/EN/Business-Human-Rights/Implementation-support/Sector-dialogues/Energy-sector-dialogue/energy-sector-dialogue.html>.

This publication was developed and agreed upon in a multi-stakeholder format. It is intended to support decision-makers and those responsible for sustainability, purchasing, and compliance in companies in the German energy industry in developing and introducing effective and efficient due diligence measures for their individual context, as well as in supporting their implementation. Measures should be carried out in cooperation with the relevant functional departments and co-determination bodies.

The proposed measures are also suitable for companies in other industries that are active in the construction sector or commission construction work.

What can you expect from this publication?

► **Context and background:**

This chapter summarizes the key findings of relevant studies and reports on the situation of migrant workers on construction sites in Europe. This information can be used, for example, as part of abstract risk assessments.

► **Construction of energy industry infrastructure:**

This chapter highlights the relevance of the issue. Selected types of infrastructure projects are used to illustrate examples of at-risk construction tasks. This information can be used, for example, to develop a risk-based approach and derive appropriate measures according to an assessment of likelihood and severity.

► **Objectives of the Energy Sector Dialogue:**

This chapter describes the jointly set goals of the Energy Sector Dialogue and its supporting measures.

► **Toolbox “Creating decent working conditions”:**

This chapter describes measures that can be helpful in achieving the four joint objectives. For each measure, there is a brief description and guidance for implementation.

Glossary

Migrant workers: In human rights discourse, migrant workers are defined as persons who leave their place of residence in order to take up employment in another country. Neither the duration of the employment nor the return to the country of origin need to be determined at the time of departure. According to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, no distinction is made based on the person's residence status, the reason for their work, or the sector in which they work. (German Institute for Human Rights (2024): [Development of the human rights situation in Germany July 2023 – June 2024](#), p. 74f)

Forms of modern slavery: Modern slavery is a collective term for various severe forms of labour exploitation. These include, in particular, forced labour, human trafficking, debt bondage, and the worst forms of child labour. What all these forms have in common is that the victims are deprived of part of their freedom through deception, coercion, or duress. There is currently no uniform definition of modern slavery. However, individual forms of modern slavery are defined in international agreements and also constitute criminal offenses under national law in most countries. (UN Global Compact Network Germany (2019): [Modern Slavery and Labour Exploitation](#), p. 9ff)

Glossary

Labour exploitation: Labour exploitation refers to precarious, exploitative employment relationships characterized by the absence of adequate wages, unclear and informal working conditions, unpaid overtime and excessive working hours, and a lack of social security. Labour exploitation occurs along a continuum between the poles of "decent work" and "forced labour." (► [Slide 10](#)). According to the ILO, good work is characterized by the freedom of employees to enter into, refuse, or leave an employment relationship, to negotiate its terms (collectively), by adequate wages, favourable working conditions free from discrimination, and by social security. Accordingly, forced labour is defined as "any work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (► [Forms of modern slavery](#)). (German Institute for Human Rights (2024): [Development of the human rights situation in Germany July 2023 – June 2024](#), p. 76f; BMAS (2023): [Potential human rights risks along supply and value chains](#), p. 50)

Glossary

Living wage: This refers to fair remuneration in accordance with the UN Social Covenant and the [International Labour Organization](#) (ILO) definition of a living wage. According to this definition, living wages must enable workers and their families to earn a decent living during regular working hours (i.e., without overtime), taking into account the circumstances of a country. Similarly, fundamental ILO principles must be followed when determining the living wage at the national level, such as the right to collective bargaining, social dialogue, gender equality, non-discrimination, and the use of evidence-based approaches. In some contexts, minimum wage regulations and collectively agreed wages do not meet these basic requirements for the protection of economic, social, and cultural human rights.

Own construction project: This refers to construction projects of any kind for which a company acts as the commissioning party, even if business partners and subcontractors are responsible for the execution of individual construction services.

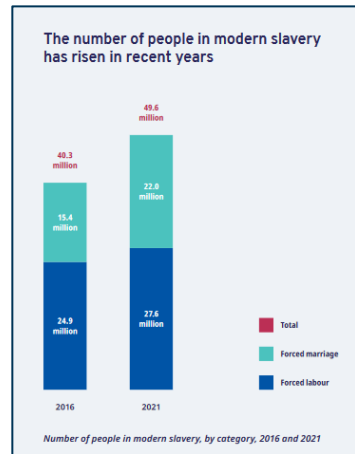
Labour-intensive activities: This refers to activities on construction sites that are characterized by a high proportion of manual labour and a low degree of mechanization. They do not require specialized expertise and have a high, short-term, temporary demand for personnel (see [► Slide 19](#) for examples of selected types of construction projects).

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- ▶ Construction of energy infrastructure
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- ▶ Further information and resources

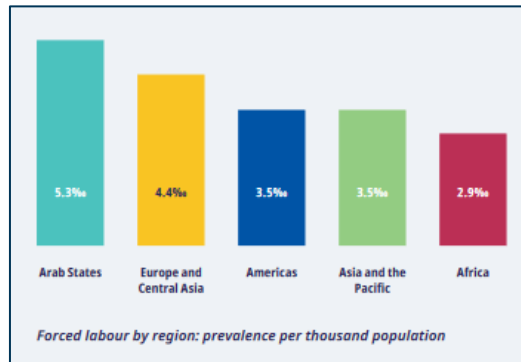
Context and background

Labour exploitation and modern slavery ...



... are on the rise, ...

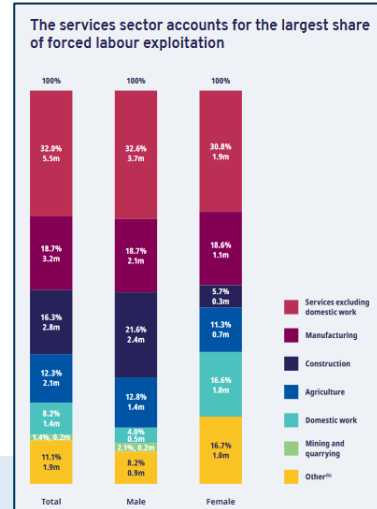
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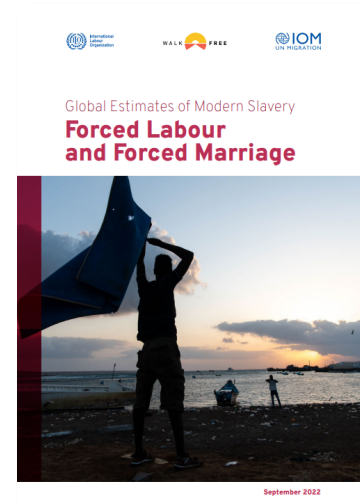
... are global ...

p. 24

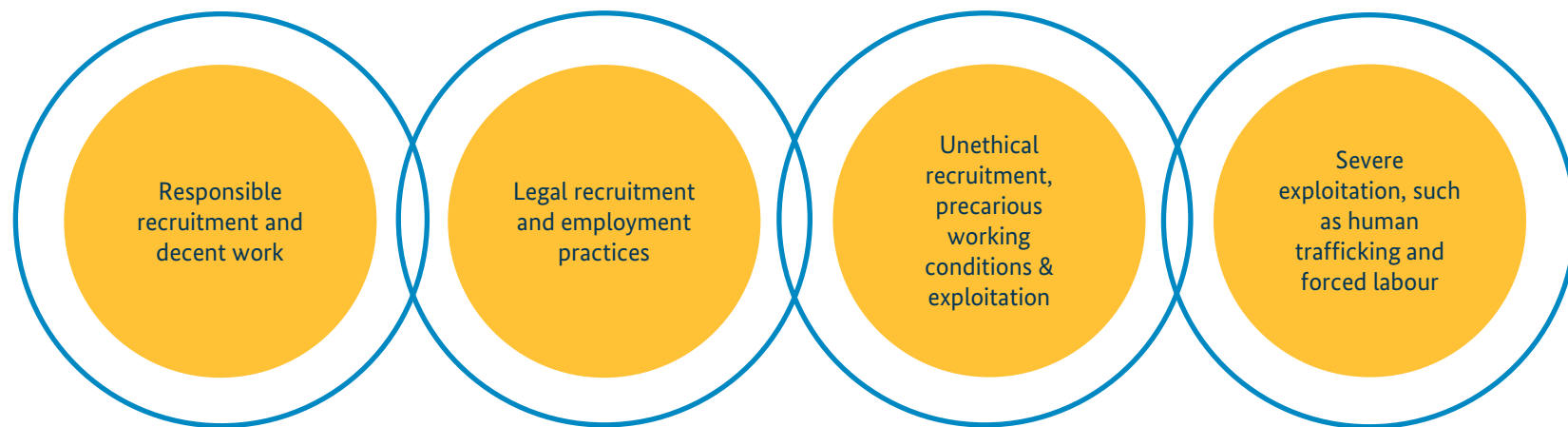
... and are relevant in many sectors.



p. 31



Labour exploitation occurs on a continuum:



Increased and intensified presence of indicators of labour exploitation

The Service Centre against Labour Exploitation, Forced Labour & Human Trafficking has developed a [checklist of indicators](#) for recognizing exploitation. The ILO has also developed [indicators for forced labour](#). **Based on:** Christ, K. L. et al. 2022, [Stronger Together](#) 2023, [FLEX](#) 2024.

What is the situation in Germany and Europe?

- For **Europe**, the [ILO](#) estimates the **total number of people affected by forced labour at 1.3 million** (2018).
- The **number of people in precarious or exploitative employment relationships** is likely to be **many times higher**, even though there are no statistics on this.
- **Precarious, exploitative, and forced employment conditions also exist in Germany**, affecting migrant workers in particular ([Monitor Menschenhandel 2024](#)).



Source: [Nationaler Aktionsplan gegen Arbeitsausbeutung und Zwangsarbeit](#)

Which sectors seem to be particularly affected?

- In the advisory work carried out by the trade union-affiliated project Fair Mobility, most inquiries about pay, termination, and sick pay come from the **logistics, construction, and cleaning sectors**.
- **The Human Trafficking Reporting Office** of the German Institute for Human Rights (DIMR) states that **most preliminary investigations** into labour exploitation by the Financial Control Unit for Illegal Employment (FKS) were carried out in **the restaurant and accommodation industry** and in **the construction sector**. The latter accounted for just under 25% of all preliminary investigations ([Monitoring Report: Human Trafficking in Germany](#)).

Advisory requests by sector Fair Mobility, 2024

Branche	Anzahl	Anteil
Lager / Logistik	1.332	16,2%
Baugewerbe	1.010	12,3%
Gebäudereinigung	844	10,2%
Internationaler Straßentransport / LKW-Fahrende	830	10,1%
Kurier und Paketdienste	459	5,6%
Gastronomie	424	5,1%
Metall / Elektro	409	5,0%
Fleischindustrie	285	3,5%
Gesundheitswesen / Stationäre Pflege	255	3,1%
Häusliche Betreuung	237	2,9%
Automobilzuliefererindustrie	162	2,0%
Gartenbau / Landwirtschaft	156	1,9%
Andere	561	6,8%
keine Angabe	1.272	15,4%
Mehrfachnennungen möglich		N = 8.236

Source: [DGB, „Faire Mobilität“](#)

What is the situation in the construction sector?

"For years, **there have been repeated cases of migrant workers in the construction industry not receiving their wages or only receiving partial payments.** In addition, they are often employed informally and classified below their qualification level, resulting in low pay. Even if those affected take legal action, they often come away empty-handed, as they are usually unable to take direct action against the builder or general contractor due to the various subcontracting arrangements.

Experts believe that **networks and structures for the systematic exploitation of migrant workers have been established.**" –

Menschenrechtsbericht, p. 84



Source: [DIMR](#)

Precarious working conditions for migrant workers in construction include ...

- ... **withholding of adequate wages** or undermining of the minimum wage through false information about hours worked and high wage deductions for accommodation costs.
- ... non-payment of wages by **exploiting the difficulty of accessing justice** (costs, language barriers, temporary residence permits, lack of employment contracts and representation, no pay slips).
- ... failure to register with social security funds, thus **hindering access to the healthcare system** and refusing to continue paying wages in the event of illness.

Labour rights are laid down in [the UN Social Covenant](#).



Source: [PECO-Institut](#)



Construction of energy infrastructure

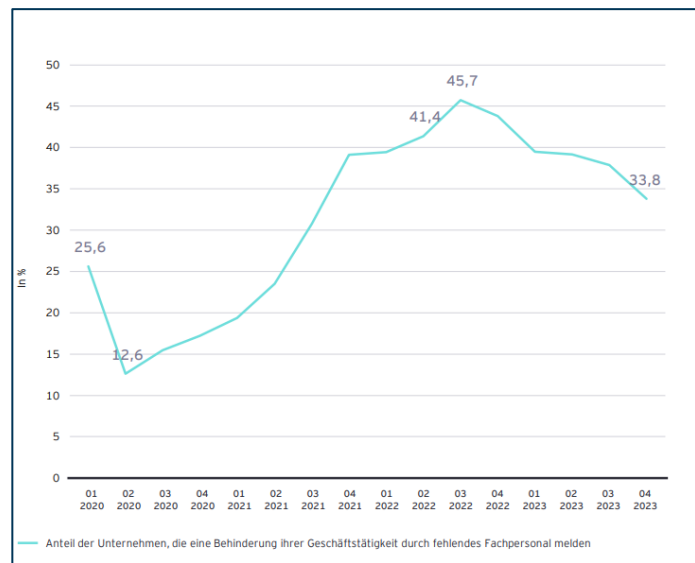
For the energy transition, the German energy industry must by 2030 ...

- ... commission construction work for, among other things, power plants, transport and distribution networks for electricity and gas, as well as storage facilities and heating networks with a **total investment volume of over €720 billion** (as of 2023).
- ... build 134 GW of **photovoltaic** capacity, 54 GW of onshore **wind energy** capacity, 22 GW of offshore wind energy capacity, and 10 GW of **electrolysis capacity**, as well as 7,600 km of **electricity transmission grids**, 500,000 km of **electricity distribution grids**, and approximately 4,700 km of new pipelines for the **hydrogen core network** (by 2032).



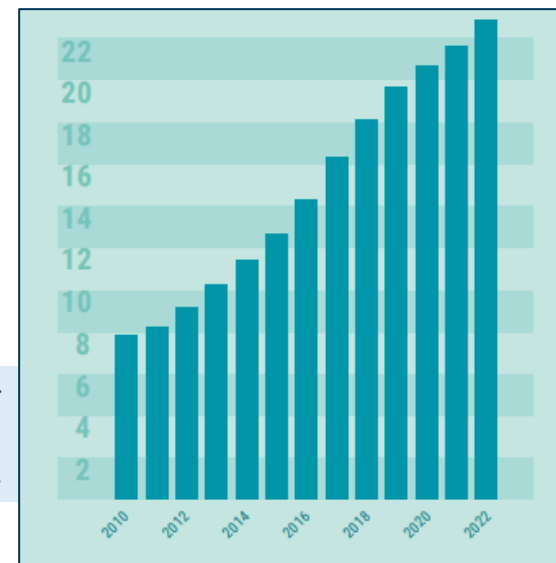
Source: [bdew](#), [EY](#)

The construction sector relies on workers from abroad!

Source: [bdew, EY](#)

One-third of all skilled trades businesses involved in the energy transition are hampered in their business activities by labour shortages.

Foreign workers now account for more than 20% of all employees in the construction industry.

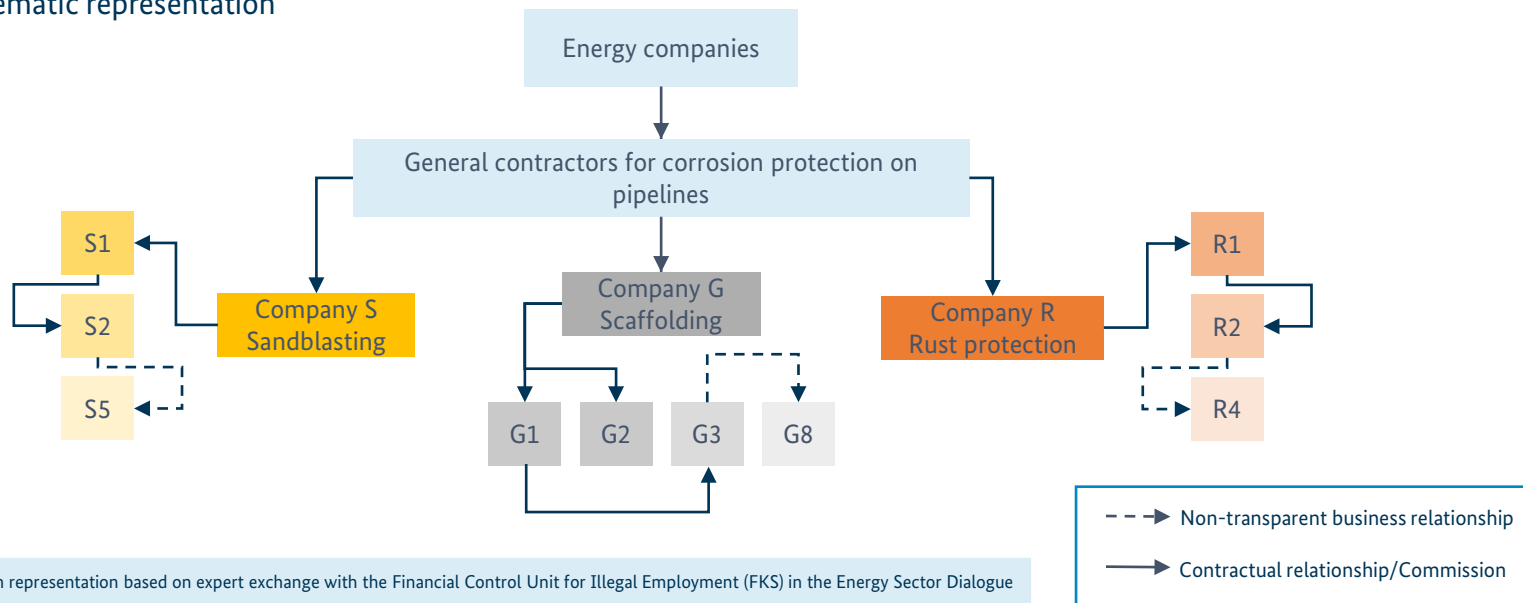
Source: [PECO-Institut](#)

Migrant workers are employed for physical activities in particular

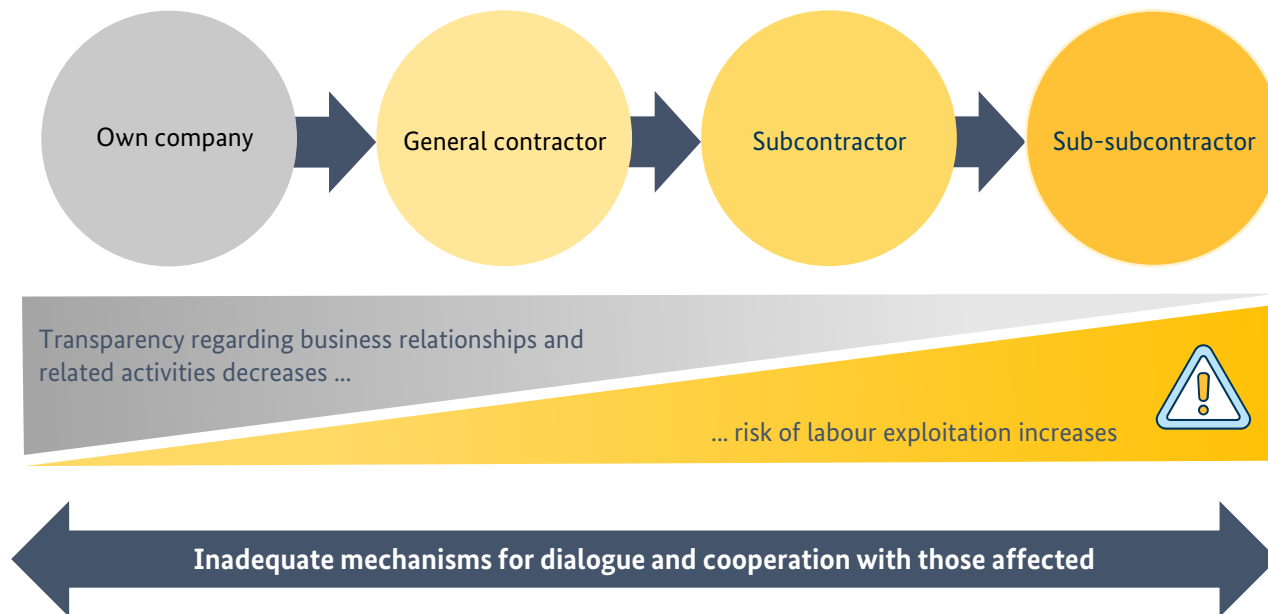
Examples of energy infrastructure	Examples of work steps that require a high level of physical effort (non-exhaustive list)
Solar parks	Assembly (fence, substructure, module installation) Earthworks and foundation work
Network expansion (e.g., district heating, power distribution networks, fiber optics)	Simple earthworks (excavating and closing pits), laying paving slabs/road construction, laying pipes
Onshore wind energy	Site clearance, earthworks, foundation construction, concrete work, installation, assembly work, transport
Conversion of power plants	Shell construction (reinforcement, concreting, formwork construction), screed, tiling, security services

Migrant workers are often employed in long subcontracting chains

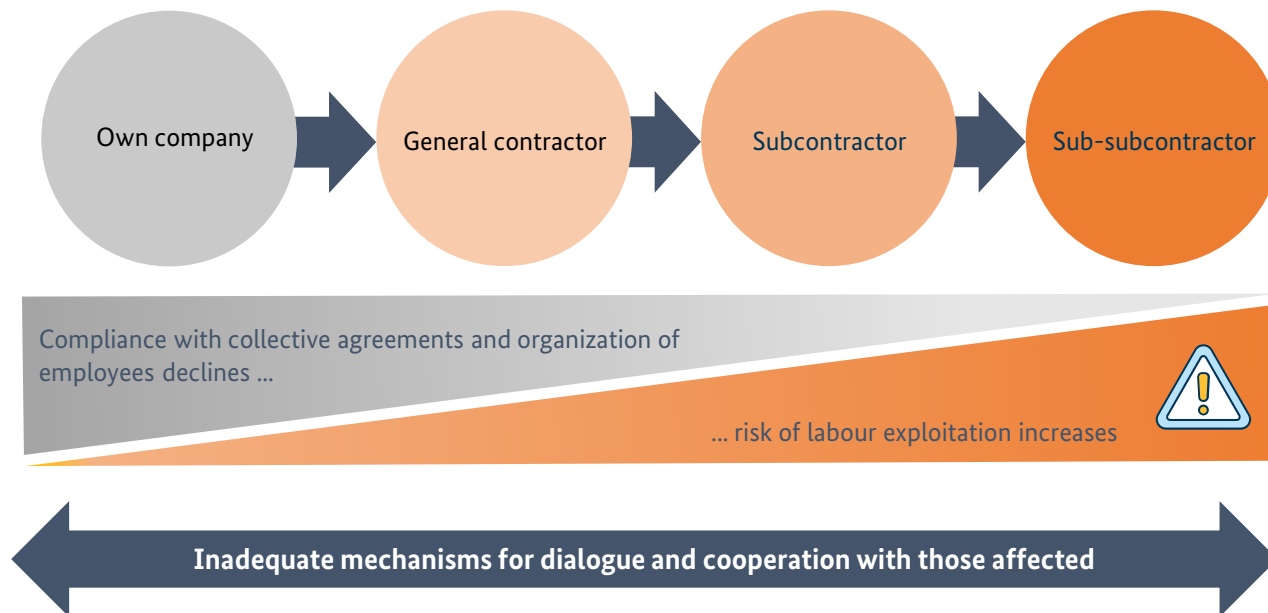
Schematic representation



Low transparency and unclear responsibilities increase the risk



Low levels of collective agreements and co- determination increase the risk



Case study:

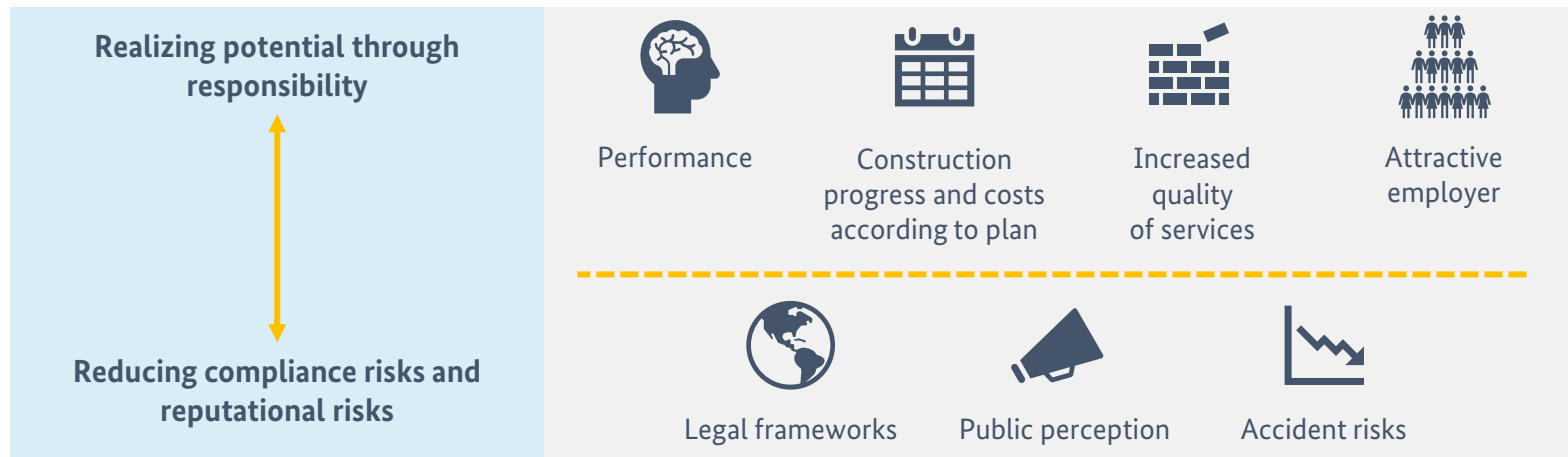
Fiber optic expansion



Source: [DGB, Fair Mobility](#)

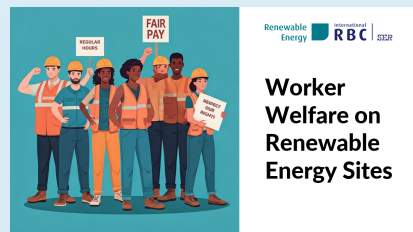
- **Unclear responsibilities** due to long, non-transparent subcontracting chains in fiber optic expansion encourage abuse and fraud.
- Employees are **highly dependent** on their employers, as their accommodation and residence status often depend on them.
- It is very **difficult** for **those affected** to identify the responsible companies or the general contractors who are ultimately liable and **to assert** their **claims under civil law**.

Decent working conditions in construction are worthwhile!



Source: Own representation based on Worker Welfare presentation by Shell International B.V. in the Energy Sector Dialogue

Other initiatives in Europe are also working towards decent working conditions:



The [International RBC Agreement for the Renewable Energy Sector](#) has developed a toolkit with 20 instruments to help companies, their suppliers, and business partners identify risks to migrant workers, address them appropriately, and remedy any negative impacts. At the European level, joint stakeholder engagement formats have been implemented.



In a [joint project](#) with Green Power Denmark, an industry association, the Danish Institute for Human Rights has supported companies in understanding, addressing, and avoiding human rights risks along the entire supply and value chain. A [guide](#) describes measures for addressing negative impacts on migrant workers in the construction of energy infrastructure.

The background of the slide is a solid yellow color. Overlaid on this background is a faint, stylized world map. The map is composed of numerous small, light-yellow dots that form the outlines of the continents. The dots are more densely packed in some areas, creating a halftone or dot-matrix effect.

Objectives of the Energy Sector Dialogue

Creating decent working conditions



The companies participating in the Energy Sector Dialogue have set themselves the following goals ...

... **analyse** and **actively address** the specific **risks** of labour exploitation in their own construction projects.

... give workers on their own construction projects the opportunity **to find out about their rights and the options available to them for advice, support, and co-determination.**

... **identify** abuses or **cases of labour exploitation** and take appropriate remedial measures in the interests of those affected .

... **work** with partners **in the supply chain** to minimize risks, leverage synergies, and promote good practice.

Based on an assessment of the company-specific situation, companies derive individual priorities for preventive and remedial measures in accordance with the UN Guiding Principles on Business and Human Rights. These are continuously improved on the basis of regular reviews of their effectiveness and in consultation with affected parties and legitimate representative organizations. In doing so, companies adopt a risk-based approach based on appropriateness.

Support by the Energy Sector Dialogue

The individual and joint measures described in detail below were developed in the Energy Sector Dialogue as guidance (► [Chapter 4](#)) and can be used as needed, taking into account the individual operational context.

The Energy Sector Dialogue provides a peer-learning platform for the exchange of knowledge and experience on challenges and implementation issues. Interested companies, civil society organizations, and trade union-affiliated organizations can contact branchendialoge@bmas.bund.de if they are interested in collaborating.

The Energy Sector Dialogue and its members are committed to raising awareness and establishing the measures in accordance with their roles and resources.

Energy industry companies



Business associations



Non-governmental organisations (NGOs)



German Institute for Human Rights



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Toolbox “Creating decent working conditions”

Notes on the development and use of the toolbox

- ▶ This toolbox was developed for the Energy Sector Dialogue with the aim of identifying approaches for comprehensively improving the situation of migrant workers in construction.
- ▶ The formulated impact- and practice-oriented measures still need to be operationalised and embedded within individual corporate contexts. The formulated key questions for implementation and the described intended impact of each measure provide guidance. It is also important to consider the links between the individual measures and their interactions with each other.
- ▶ The operationalization should begin with the creation of project-specific profiles containing risk information (measure 0). (A separate guideline is available in German language.)
- ▶ A training document is available for internal awareness raising within the company. (This document is available only in German language.)

Goals for effective and long-term prevention of labour exploitation

Effective risk management within the company

Your company is aware of the specific risks of labour exploitation in its projects and actively addresses them.



Empowerment of workers

Workers on construction sites know their rights and have the opportunity to turn to support services that can help them in case of problems.

Remedies for those affected

Abuses or cases of labour exploitation are identified and addressed in the interests of those affected.



Partnership-based cooperation

Your company works with partners in the market and supply chain to minimize risks, leverage synergies, and promote good practices.

Overview of measures and goals

Objectives

Measures

FOUNDATION	0	Create project-specific profiles with risk information	
	1	Conduct internal basic training and awareness-raising on the topic	
EFFECTIVE RISK MANAGEMENT IN THE COMPANY	2	Specifically consider risks of labour exploitation in project specifications/tenders and contract design	
	3	Prepare internal action plans	
	4	Develop a process and assessment scheme for business partners' due diligence systems	
EMPOWERMENT OF WORKERS	5	Implement targeted information campaigns in construction projects	
	6	Lay the foundation for collaboration with representative stakeholders	
REMEDY FOR AFFECTED PARTIES	7	Establish effective complaint systems	
	8	Continuously and purposefully monitor compliance with labour standards on construction sites	
	9	Establish industry-wide exchange formats to implement collective measures	
PARTNERSHIP- BASED COOPERATION	10	Establish formalized exchange formats with business partners to implement human rights due diligence	
	11	Enable adjustments in the procurement process to achieve fair prices for labour costs	
	12	Understand the impact of purchasing practices on business partners' ability to respect human rights	



These measures are particularly suitable for cross-company collaboration and collective action.



Supplementary guidelines provide further background for step-by-step implementation.

Measure 0

Create project-specific profiles with risk information

Using key questions, you document information that provides insight into the specific risks of this type of construction project in this specific context. To do this, you first select (for piloting this prototype) an initial feasible number of projects that you suspect are high risk (the long-term goal is to create a profile for all your 'project types'). The project profile takes a holistic view of labour exploitation risks, looking beyond immediate suppliers. The assessed result helps to prioritize projects and hotspots within projects for increased due diligence measures and creates an essential basis for the implementation of any further measures.



Implementation phase

Before the start of
the project or for
ongoing projects



Connection to other measures

All measures



Key questions regarding implementation

- What existing information, e.g., from our risk management, can be used when creating a project profile? What knowledge gaps exist and how can these be addressed by involving trade unions and civil society organizations?
- How can we work proactively when creating project profiles and document the findings in such a way that we can later communicate them conclusively to the target group/decision-makers and co-determination bodies within the company?
- What insights can we derive from creating multiple profiles with regard to risks for certain types of projects? How can we link this to other topics/internal debates relating to business/procurement models? Can we also take this into account in our business development in the long term? To what extent do we need to adapt our criteria for selecting business partners on a project-specific basis?



Intended effect

Your company is aware of the respective risk levels of its projects and specific hotspots, particularly with regard to the workforce used/expected/required for a specific project and the local context. Targeted measures can be implemented (for prioritized projects/parts of projects).

In the medium term, your company is developing knowledge about risks in certain types of projects or in certain contexts, and this can be incorporated into the further development/adaptation of measures.

Measure 1

Conduct internal basic training and awareness-raising on the topic

You implement training and other targeted formats for raising awareness within your own company.

- Part 1 (Capacity building for key personnel): Individuals who will play a leading role in implementing measures (e.g. human rights/sustainability officers) deepen their knowledge of possible courses of action and gain an overview of key support resources.
- Part 2 (basic training): The measure is primarily aimed at everyone, but especially commercial/technical teams with key roles in the construction project who are not yet fully aware of the relevance of the topic and/or need to build expertise in order to contribute to the implementation/piloting of measures.



Implementation phase

Project-independent



Connection to other measures

All measures



Key questions regarding implementation

- What behavioural changes do we want to achieve in whom through the training? Where do we need to start with different teams (what is the current level of awareness)? How do we want to measure effectiveness?
- What existing formats are there where parts of the new training can be well integrated?
- What expertise do we need (in-house or external) to design and implement thematic training courses? How can the target group be meaningfully involved in the (further) development of the training materials?
- How can we offer training participants opportunities and incentives to critically reflect on what they have learned, apply it, and develop further over time?
- What other awareness-raising measures are appropriate for our company? What language, classification of the topic, and formats should we choose so that colleagues listen?



Intended effect

Teams with relevant roles in construction projects are sensitized to the importance of the issue of labour exploitation, learn the basics of their responsibilities and duties, and, depending on their role, can recognize potential red flags on a construction site.

Measure 2

Specifically consider risks of labour exploitation in project specifications/tenders and contracts

You take the risk of labour exploitation into account when drafting project tenders and award criteria, as well as when negotiating contracts, and communicate the requirements to your business partners.

- Part 1 (specification of requirements): You revise or create contract annexes to your standard contracts and specify requirements that take into account the risk of exploitation in the supply chain. The exact specifications and whether/how many variations there are for the appendices depend on the business model/portfolio, the complexity of the service/supply chains, and the corresponding different risk profiles. Limiting subcontracting has proven to be particularly effective in risk management, as have adherence to collective agreements and active co-determination by the business partner's employees and subcontractors as tender criteria.
- Part 2 (Communication of requirements): You discuss the (new) requirements with your business partners accordingly. This can be done before/during development and/or when a new product is launched. In cases where your business partner submits the draft contract, negotiations should be conducted to ensure that the relevant appendices are agreed upon and included.



Implementation phase

Before project
start/project-
independent



Connection to other measures

8, 10, and 11



Key questions regarding implementation

- What expertise on risk factors for labour exploitation (in supply chains typical relevant to us) do we need in order to draft meaningful contract amendments? What further knowledge about the reality of implementing due diligence in our supply chains could be helpful in this regard, and how can we obtain this knowledge? How do we involve our own employees and co-determination?
- How do we formulate the contract amendments in such a way that joint and shared responsibility with our contractual partners is made clear?
- Where are the differences depending on the type of our projects and the role of our contractual partner (especially general contractors versus construction service providers)?
- In what formats can we embed the dialogue on new requirements and what is an appropriate time? What challenges and resistance can be expected? How should reactions from business partners be handled and responded to?



Intended effect

Internally and in your relationship with your business partner, there is clarity about what specific responsibilities/due diligence activities (and information about them) your company can expect from this partner in order to mitigate the key risks of labour exploitation in the project context. Appropriate tender criteria enable your company to make an informed pre-selection of potential business partners.

Measure 3

Prepare internal action plans

You prepare action plans for dealing with previously unknown or new (risk) situations and cases of (potential) labour exploitation, especially in cases where escalation may be necessary to prevent/end exploitation. The aim is to improve the flow of information and understanding of responsibilities within the company and in interaction with other actors in these situations, so that action can be taken in the interests of those affected. This applies both to the construction site and to processes within the company and in business relationships. Roles and responsibilities must be clearly defined. This also includes cooperation with other external actors (e.g., if you are confronted with criminal violations or need external civil society support). However, you should focus on your own responsibilities in the process.



Implementation phase

Project-independent



Connection to other measures

2, 8, and 10



Key questions regarding implementation

- What specific cases are conceivable based on our priority contexts/measures, and what functions would play a role in processing them?
- How do we design the internal flow of information about new findings on cases or risk-relevant information and appropriately involve co-determination? How can existing protocols, such as occupational health and safety on construction sites, be appropriately supplemented (so that the protection of those affected is the focus)?
- With which external actors are there potentially relevant interfaces? What information do we need in the respective scenarios to better understand the responsibilities?
- Which action plans only require definition and specification, and where are negotiation processes, further training, or even trials still necessary?



Intended effect

Your company is prepared and ready to act when critical information arrives as a result of the improved due diligence and monitoring activities.

Measure 4

Develop a process and assessment scheme for business partners' due diligence systems

You improve your supplier management by gaining an overview of your business partners'/suppliers' management capacities with regard to the implementation of human rights due diligence.

- Part 1 (Development of the assessment scheme): You develop a clear scheme enabling you to make a rough assessment, based on a small amount of information/indicators, of how advanced your business partners are in terms of implementing human rights due diligence, employee participation, and compliance with collective agreements along the subcontractor chain ("maturity level"). This refers to the partner's ability to effectively and appropriately address human rights risks and impacts in its business processes and supply relationships.
- Part 2 (Instructions for using the template): Guide users in how to use the information. This includes ensuring that the relevant functions, in particular sustainability/human rights officers, enter the information from the relevant exchange into this assessment template and that decision-makers in supplier management/project management/construction supervision actively use the information.



Implementation phase

Project-independent



Connection to other measures

2 and 10



Key questions regarding implementation

- How can we ensure that we have sufficient expertise to carry out a meaningful assessment?
- In which existing systems should the assessment be meaningfully embedded, and who needs to be consulted in the process?
- How can the information be obtained efficiently?
- Which functions should use the information and how can we support this?



Intended effect

It is possible to define targeted measures based on the existing activities/ capacities of the business partner. Particularly "mature" business partners, for example, do not need basic training, but can be important partners for ambitious or innovative projects and approaches.

Measure 5

Implement targeted information campaigns in construction projects

As the client, you take a stand on your construction sites and raise awareness among your target groups about labour rights, indicators of exploitation, and possible points of contact, including trade unions, for support or reporting violations. This is primarily aimed at (migrant) workers, but also at other people working on the construction site.

- Part 1 (preparation): If you have not (yet) found any specific/suitable contact points or complaint channels, you should at least mention those of a trade union and/or civil society organization and provide contact details for your own company. This measure should be coordinated in advance with other external actors who play an important role in construction site management (e.g., general contractors, project management).
- Part 2 (Implementation options): A poster campaign as a basic element should ideally be supplemented by other types of information measures with a social partnership approach (training/briefings, online communication, information as part of audits/construction site inspections, flyers).



Implementation phase

Project implementation/
Cross-industry



Connection to other measures

2, 3, 6 and 8



Key questions regarding implementation

- Who should lead the information campaign? How can we work with business partners, trade unions, and external advisory services, or support their services where appropriate?
- What information, e.g., about demographics, nationalities, language, etc., do we have about the needs of the target group that will help us develop appropriate formats? How can external advisory bodies, especially trade unions, be used as experts here?
- Who should be trained or sensitized to the content and offerings of the campaign?
- How do we prepare ourselves and the contact points (internal/external) to which we refer people to respond appropriately to incoming questions and comments? How do we ensure that we understand the needs (focus: protection of those affected) and that we and the contact points have the necessary capacities?



Intended effect

Construction site workers and other personnel present on the construction site know what rights each person has (regardless of their immigration status/employment relationship/connection to your company) and who they can contact on the part of the client, the responsible trade union, and/or external support services in case of problems, questions, and complaints.

Measure 6

Lay the foundation for collaboration with representative stakeholders

You identify organizations with relevant experience in supporting migrant workers, especially those affiliated with trade unions, and bring this knowledge to the relationship with the GP.

- Part 1 (mapping): In risk contexts, you obtain an overview of organizations, particularly those affiliated with trade unions, that have relevant experience in supporting migrant workers, preferably before the start of a construction project (based on the project profile). These are organizations that can speak as legitimate representatives for the needs of the target group in the respective construction project and support them.
- Part 2 (Establishing contact): In consultation with business partners and based on the distribution of roles in the implementation of measures, you decide who should contact the organizations and establish a relationship. If you do not take direct action yourself, think about how you could provide support. If you make contact yourself, proceed consciously and strive for fair cooperation on an equal footing, emphasizing mutual support and joint commitment. Where possible, avoid one-sided, transactional, short-term exchanges such as data requests.



Implementation phase

Before the start of the project or for projects already in progress



Connection to other measures

3 and 5



Key questions regarding implementation

- In the context of the project/risk at hand, which topics and priorities form the framework for cooperation with trade unions and civil society organizations? In other words, what are the specific goals in this case?
- How does the measure relate to the implementation of other measures in the prototype, and can it contribute to progress there?
- Who has the necessary skills, experience, and soft skills to build relationships with trade unions and civil society organizations?
- If your company is taking this step itself, what would be an appropriate agreement/framework for cooperation with trade unions and civil society organizations that is based on trust, appropriate to the purpose, based on rights, and enables cooperation on an equal footing? How is co-determination integrated here?



Intended effect

Your company has an overview of the support available to potentially affected parties in the event of possible violations of labour law, and understands how this can complement its own implementation of due diligence measures and those of the responsible employers/coordinators on the construction site.

Measure 7

Establish effective complaint systems

You conduct a series of trainings and workshops on the topics of "human rights grievance mechanisms, remedy, and reparation" (e.g., within the framework of business initiatives and/or together with relevant competitors, leading general contractors, or other industry players).

- Part 1 (knowledge building): As part of the training, you critically examine different levels of grievance systems and what the effectiveness criteria of the UN Guiding Principles mean in practice. The aim is to develop an understanding of good practice and the role of different grievance mechanisms in providing remedy/reparation.
- Part 2 (gap analysis): Building on this, interactive workshops will be held to conduct a gap analysis of the current systems. Together with relevant industry stakeholders, including trade unions, you will gain an overview of where and to what extent access to remedy is restricted for vulnerable groups. This can be done at the country or regional level.



Implementation phase

Project-
independent/cross-
industry



Connection to other measures

2 and 9



Key questions regarding implementation

- How can we as a company link this first step toward effective remediation with other programs/strategies? (supply chain legislation, sustainability strategy, code of conduct, etc.) How can the work be communicated internally? What is the long-term goal?
- Based on the gap analysis for existing complaint systems, what areas for development/needs do we see? What gaps, for example with regard to accessibility, need to be closed based on our growing understanding of risks?
- Who are the relevant industry players, including trade unions, that should be included in the workshop formats? How can we work with the identified organizations?



Intended effect

Your company has a basic industry-wide understanding of what effective grievance systems are and how they relate to effective remedies. Your company has a region-, industry-, or supply chain-specific overview of existing systems and weaknesses/gaps in terms of their effectiveness for migrant workers, the involvement of their legitimate representation, and trade unions.

Measure 8

Continuously and purposefully monitor compliance with labour standards on construction sites

You design standard processes, define responsibilities, inform co-determination bodies about these and, where necessary, offer additional training on the following components so that...

- Part 1 (Monitoring): ...your own personnel on construction sites can be present in a risk-based manner and recognize signs of labour exploitation ("spot the signs"). You choose a suitable approach depending on the construction site context and project profile (audits, observations, informal discussions, more formal interviews, document checks/data comparisons, discussions with residents/visitors to the construction site).
- Part 2 (Support): ...staff present on construction sites in high-risk projects/suspected cases can specifically draw on further internal or external support in order to communicate appropriately with those potentially affected (or their legal representatives) and investigate suspected labour law violations.
- Part 3 (evaluation): ...the experiences of workers in selected high-risk projects can be systematically and regularly surveyed and evaluated. To this end, it is necessary to carefully define in advance the added value this will create, the risks for the target group, and how the information will later be used in their interests.



Implementation phase

Project implementation



Connection to other measures

3, 5, 6 and 10



Key questions regarding implementation

- Do our project profiles, together with the insights gained from exchanges with our partners, provide sufficient information about where we should increase our presence? What are these hotspots (activities, times, etc.)?
- Do the chosen methods provide us with sufficient and plausible information about the actual situation of workers on the construction site and their everyday working lives? What information channels can be created with the help of co-determination?
- Which formats are suitable for which locations and how do more complex activities need to be prepared/coordinated?
- What else do we need to do to be prepared for new information and possible cases?



Intended effect

Your company can identify risks and potential cases (in collaboration with competent partners) without jeopardizing the safety of workers or relationships with its business partners/legitimate actors on the construction site. The knowledge is used to continuously improve the company's own risk management.

Measure 9

Establish industry-wide exchange formats to implement joint measures

Identify overlaps between companies operating in the sector and establish exchange formats to discuss and identify potential areas for collaboration.

- Part 1 (identify partners): You use a suitable, competition-compliant procedure within the industry initiatives to gain an overview of the overlaps between the general contractors employed. The aim is to understand which companies business peers work with intensively (frequently, regularly, on a large scale, etc.), i.e., where there is a large overlap and where the potential for influence can be increased jointly.
- Part 2 (Establishing exchange formats): You establish one or more formats with a selection of relevant general contractors in order to present the work of your business initiative and discuss specific collaboration potential. When organizing and implementing the formats, care must be given to create a framework that prevents violations of competition law and enables a trustful exchange. The main objectives of the formats should be to learn from each other and to achieve the effective implementation of joint measures that build on what has already been established.



Implementation phase

Cross-industry



Connection to other measures

4 and 10



Key questions regarding implementation

- Who in our company has the necessary overview of cross-project purchasing data?
- What specific needs and measures have we prioritized that we want to actively address together with industry partners along the supply chain? Where should we try to increase our influence in order to effectively address identified risks?
- What exchange formats and good relationships already exist that we can build on?
- What external support/facilitation do we need?



Intended effect

Together with other stakeholders, your company has a deeper understanding of the problem, its causes, and possible solutions. It is also clearer what role your company itself (as a commissioning party) can play in contrast to the (directly responsible) employers of migrant workers, their suppliers, and other stakeholders, such as government agencies.

Your company understands how general contractors already implement their due diligence obligations and what initiatives may already exist.

Measure 10

Establish formalized exchange formats with business partners for implementing human rights due diligence

By defining processes and responsibilities, you create a framework in which you can work proactively and cooperatively with your business partner on known risks and monitor the implementation of measures. Such a format can also be initiated for projects that are already underway.

- Part 1 (Internal preparation for the exchange): Based on the project profile and the (presumed) maturity level of the business partner, you define specific expectations of the business partner in the implementation of due diligence obligations, establish internal responsibilities and activities for monitoring expectations, and define a process for dealing with uncooperative behaviour.
- Part 2 (Dialogue at the start of the collaboration): You begin a dialogue about the risk of labour exploitation, share the key findings of the project profile, and propose appropriate measures or explain how you will monitor compliance with the requirements.
- Part 3 (Regular dialogue): You use the exchange formats regularly during the collaboration to discuss developments and challenges, also in combination with other project meetings, and follow up on agreements accordingly.
- Part 4 (Project completion and continuous learning): You obtain feedback from your partner on the process. You also conduct an internal evaluation to determine whether the exchange format with your partner was successful and what improvements should be implemented.



Implementation phase

Project start/ Project independent



Connection to other measures

2, 4, 8 and 12



Key questions regarding implementation

- Which internal stakeholders should we involve in the dialogue with business partners, and which existing purchasing/supplier management and project management processes should we build on (to avoid inefficiencies and information loss)?
- Are internal stakeholders already sufficiently informed about the risk factors for labour exploitation in this project? What can we learn from our business partners about their risk awareness and measures?
- How do we document the entire process in a way that is transparent and comprehensible to all parties involved?
- Are we able to respond to specific cases? How can information from the business partner be independently verified if necessary?



Intended effect

Your company and its business partners have a common understanding of the existing risks and know which due diligence measures to implement and how to mitigate risks. It is clear what contribution your company itself can make to support its partner in implementation and to monitor their obligations.

Measure 11

Enable adjustments in the procurement process to achieve fair prices for labour costs

You develop a framework for calculating labour costs in bidders' quotes with a view to fair remuneration on the construction site and integrate this into your procurement process.

- Part 1 (development of a framework): You develop an appropriate procedure for questioning bidders about the calculation of labour costs in their bids, including those relating to subcontractors employed on the construction site. The aim of the procedure is to check the bids received for their feasibility in terms of paying fair wages to all workers on the construction site. What constitutes fair remuneration must be specified on a case-by-case basis on a spectrum between the minimum wage, the local standard wage, and a living wage, and depends, among other things, on the country context.
- Part 2 (integration into the procurement process): You clarify internally with your commercial functions how costs/price offers can be re-benchmarked/evaluated in the award process. If it makes sense for your company, you develop a strategy and a roadmap to accompany the gradual implementation.



Implementation phase

Before the start of the project and across the industry/project-independent



Connection to other measures

2 and 12



Key questions regarding implementation

- Who within the company has the expertise to assess the actual scope (personnel costs) of certain services?
- How do our procurement processes need to be adapted to take corresponding price calculations into account?
- How can we document the findings from price calculations and regularly compare them with market data?
- What is a feasible approach (including timing) for dialogue with business partners? How do we communicate (e.g., about our own assumptions, connection to human rights work, and improvement of our own procurement practices)?



Intended effect

There is awareness and transparency between your company, its co-determination bodies, and its business partners about how big the gaps are in paying fair wages and where the difficulties lie in calculating and pricing labour costs. Initial steps have been taken to close these gaps in specific areas and to formulate appropriate targets. Ideas have emerged about which (social partnership) exchange formats and measures are still necessary (across the industry) and what a strategy for fair pricing must include.

Measure 12

Understand the impact of purchasing practices on business partners' ability to respect human rights

Purchasing practices can stand in the way of effectively preventing certain risks. These include conflicting internal incentives as well as actual procurement practices and the management of relationships with business partners.

- Part 1 (survey on the relationship between your own purchasing practices and the feasibility of the due diligence requirements): The first step is to gather feedback from business partners and their employee representatives in order to understand the extent to which your own procurement structures and practices influence their ability to ensure good working conditions for their own employees and in subcontracting.
- Part 2 (evaluation and improvement): You evaluate this feedback, discuss it internally with decision-makers and employee representatives, and evaluate options for improvement internally and together with your business partners. Where the analysis points to structural challenges in the industry (e.g., highly regulated procurement procedures, shared standards) or where you as an individual company are a price taker, you develop initial ideas for collaborative steps within the industry.



Implementation phase

Project-independent



Connection to other measures

9, 10 and 11



Key questions regarding implementation

- Which internal stakeholders should be involved in a survey process? What technical framework is required?
- How can critical purchasing practices manifest themselves in our sector? How and in which phases of a business relationship?
- What should you prepare in order to actually evaluate the insights gained afterwards and communicate them internally to the relevant decision-makers?



Intended effect

Your company understands the role of its own purchasing practices in terms of their impact on recruitment at business partners and adapt its purchasing practices or procurement strategy accordingly.

Where more complex (market) relationships stand in the way of adaptation, your company will understand the factors involved and take the first steps toward a coordinated and as far as possible, socially responsible approach with relevant partners (other purchasing companies).



Further information and resources

Further information and resources



SERVICE
STELLE

gegen

Arbeitsausbeutung
Zwangsarbeit &
Menschenhandel

The [service centre](#) helps to establish and expand cooperation structures against labour exploitation, forced labour, and human trafficking throughout Germany, thereby strengthening the expertise of the relevant authorities. Raising awareness and imparting knowledge are central to this work.



DGB fair

[Fair Mobility](#) is the advisory network of the German Trade Union Confederation (DGB) with 12 locations nationwide. It informs, advises, and supports employees from Central and Eastern European countries in the German labour market in enforcing fair wages and working conditions.

Further information and resources



stronger
together

Responsible recruitment | Fair work | Free from exploitation

stronger together offers companies practical training, resources, and cooperation programs to promote fair working conditions without exploitation. The [Stronger Together Construction and Property Program](#) has developed a range of freely available tools for download, among other things.



The [platform is a Europe-wide support service](#) provided by the European Federation of Building and Woodworkers (EFBWW). Its focus is on providing information on wages, working conditions, and rights for construction workers in 36 countries, mediating and supporting those affected, and promoting trade union networking.

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