The Responsible Security Association



WHEN THE ABUSED BECOMES THE ABUSER

Poor working conditions in the private security industry undermine human rights compliance

POLICY BRIEF

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ICoCA, October 2023

Our partners

This policy brief is a summary of a research conducted by the International Code of Conduct Association (ICoCA) with the support of UNI Global Union. The research also benefited from the financial support of the UK FCDO and the University of Denver.

Uni Global Union

UNI Global Union is a global union for the skills and services sectors. It has affiliated unions in 150 countries representing 20 million workers and ratified over 50 with multinational corporations. Its Property Services section covers private security and cleaning bring together 170 unions in 65 countries around the world. UNI has signed global framework agreements with global PSCs, safeguarding the rights of over million employees.

The International Code of Conduct Association (ICoCA)

The ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect international human rights law and international humanitarian law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers (the "Code").

EXECUTIVE SUMMARY

Businesses, non-governmental organisations (NGOs), international organisations and governments commonly hire private security companies (PSCs) to protect sites, assets and staff. It is a multi-billion dollar contracting industry that employs millions of guards all over the world.

All too often, however, clients largely select PSCs on the basis of cost. This pricing pressure often translates into extremely poor working conditions for security workers. This, in turn, can lead to cascading human rights problems as the abused become the abusers. Private security guards have been known to either directly or indirectly cause harm to the general public and people in their care through negligent or abusive behaviour as incidents of excessive use of force and other violations continue to make headlines.

Under the 2011 United Nations Guiding Principles on Business and Human Rights, all companies have a responsibility to respect human rights. They are called upon to exercise human rights due diligence by assessing their own potentially adverse impact in this area and identifying, mitigating and preventing abuses. This has led several countries to adopt human rights due diligence laws and regulations in recent years. This growing attention to human rights could soon reach global supply chains, making companies increasingly liable for human rights abuses committed by their contractors.

The effort to prevent human rights abuses in the private security industry has tended to focus on gaps in regulatory oversight and accountability mechanisms. Less emphasis has been placed on prevention. Yet understanding the underlying causes of violations – including working conditions – is absolutely critical to preventing further abuses.

By 2022, the International Code of Conduct Association (ICoCA), UNI Global Union (UNI), and the University of Denver teamed up on a global research project to assess this critical yet overlooked factor in personnel's overall well-being and PSCs' human rights track record. The study was designed to provide key insight into trends at the national, regional and global level. In 2022, project researchers interviewed some 40 experts and surveyed nearly 400 private security personnel in Africa, Asia, Europe, Latin America, the Middle East and North America. This data was supplemented by surveys conducted by ICoCA in March 2023 among nearly 3,000 guards across Kenya, Tanzania and Uganda.



This Policy Brief summarises the researchers' conclusions.[1] They found poor working conditions across the globe, including low pay, long hours, low levels of support and insufficient training; in some countries, these trends are exacerbated by predatory recruitment practices and discriminatory behaviour. Crucially, the research team also found that these conditions affect the mental and physical well-being of security personnel and their willingness to adhere to human rights standards.

Said differently, the behaviour of personnel can in part be attributed to how they are treated by their employers. Poor working conditions can harm personnel and the general public, stain the reputation of PSCs and their clients and undermine security outcomes. Moreover, poor working conditions may in turn constitute a violation of the individual rights of security personnel under domestic and international labour law and international human rights law and create further legal liability for PSC clients.

The researchers concluded their work by drawing up eight key findings, along with corresponding recommendations, aimed at improving working conditions, increasing diversity in the workforce and improving human rights compliance in the private security industry.

Eight key findings

1. Private security personnel face poor working conditions in terms of pay, working hours and health risks.

2. Labour migrants are commonly subjected to exploitative practices.

3. Workplace stratification by factors such as gender, race and nationality affects recruitment practices and working conditions.

4. Training provided to private security personnel is critical but often substandard.

5. There is a direct link between poor working conditions and private security personnel's respect for the law.

6. PSC clients have a major impact on private security personnel's working conditions.

7. Governments are both the primary regulators and major procurers of private security, providing them with opportunities to implement, monitor and enforce minimum labour standards and lead by example as clients.

8. Other actors and mechanisms, including ICoCA, can drive change by raising awareness of and promoting compliance with legal standards relating to working conditions in the private security industry.

FINDINGS AND RECOMMENDATIONS

Finding 1:

Private security personnel face poor working conditions in terms of pay, working hours and health risks.

Interviews and survey results highlight the fact that wages – one of the most important aspects of working conditions – are low in the private security sector and that minimum wage laws are not always respected. That, combined with long working hours, drains personnel both mentally and physically. Low pay also compels many personnel to take on a second job. This limits time for family and personal obligations, decreases professional performance and may even cause some workers to fall asleep whilst on duty. Late payments also affect security officers' livelihoods and their dependents.

Key figures: Hours and overtime

- Over half of survey respondents reported working 12-hour shifts or more, while some reported working 16 or more hours in a row.
- 50% of respondents in Kenya reported working seven days a week, 96% stated that they worked 12-hour days, and only 22% noted they could take a break during working hours.

Over one-third of global survey respondents did not receive any benefits, such as a pension plan or health insurance, from their employer. Limited or non-existent benefit schemes place undue financial and mental burdens on personnel and their families, particularly given the dangers sometimes faced by private security officers.

Access to unions is also limited. Workers based in Europe can generally join a union, but in many other regions, they are discouraged or banned from doing so. Over half of those surveyed in Latin America and almost half surveyed in North America were denied union representation.

Personnel sometimes lack proper equipment, protective gear and uniforms. Interviewees in Africa and the Middle East highlighted that personnel often lack adequate protection against extreme heat despite standing long hours in the sun. Personnel were also particularly exposed to the risk of health problems during the COVID-19 pandemic. They were deployed as frontline personnel but often lacked necessary protection against disease. A lack of access to basic facilities, such as restrooms and water, was also reported, and this can create serious health risks, particularly in extreme weather conditions.

So what are the consequences? Interviewees reported a "revolving door" industry with high turnover, limited loyalty and high levels of stress among personnel. This affects performance in the workplace and the personnel's personal life.

Key figures: Health, safety and remedies in the workplace

- Nearly all global survey respondents reported that working conditions affected the physical health and safety of security personnel as well as their mental health and personal relationships.
- 74% of the guards in Uganda reported that they faced health and safety risks at work; 64% of them noted that this affected their performance.
- About two thirds (66%) of survey respondents felt that working conditions affected their mental health and relationships: they reported stress, depression and moodiness. This can contribute to domestic violence.



Poor working conditions, with their impact on workers' health[1], safety and morale[3], lead to a domino effect that compromises operational output, undermines security and heightens the risk of mistakes, harm and liability for personnel, clients and PSCs. The public's perception of the industry also tends to be poor, reinforcing negative stereotypes about private security and trickling into the industry's collective consciousness and personnel's perception of themselves. Breaking the pervasive and detrimental cycle of poor public perception and mental and physical drain requires living wages, reasonable hours, a culture of care in the industry and an investment in workers' career opportunities.

While the focus on health and safety in this industry has historically been low, some interviewees reported progress in some aspects of working conditions. They noted an increasing emphasis on physical safety and growing attention to mental health in some parts of the world. Industry stakeholders need to encourage these developments and continue urging innovation and progress in the sector.

Recommendations

1. PSCs should draw on the International Code of Conduct (The Code), International Labour Organization (ILO) labour standards and international norms when developing company policies, ensuring that they meet not only domestic standards but international ones as well. According to the ILO, employees should work no more than eight hours per day and six days a week; personnel should have breaks; be paid overtime; and be paid at least minimum wage (or more, if needed to meet the cost of living).

2. In line with other workplace protections, PSCs should ensure that accommodations, breaks and access to facilities fit the context such as shift length, location of workplace and other work-related circumstances, and proper uniforms should be provided for protection from the weather and any site-specific health hazards. Personnel should have on-the-job access to basic necessities, first-aid services and other emergency facilities. PSCs should also prioritise mental health alongside physical health by providing comprehensive health insurance benefits to cover counselling or hire qualified mental health professionals to work in-house.

3. PSC clients should pay fair prices for quality services. The prices must be high enough to allow PSCs to offer working conditions that are compliant with international labour standards and include these conditions in employment contracts.

4. Governments should sign existing international and regional agreements related to working conditions (including ILO conventions[4] and United Nations agreements) and enact and enforce domestic laws that meet or exceed international standards. They should also become Members of ICoCA and sign onto instruments aimed at preventing harm associated with private security operations, such as the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict (2008).

5. ICoCA, civil society organisations (CSOs), NGOs, unions and other groups should advocate on behalf of employee rights and support governments, PSC clients and PSCs by raising awareness of basic labour standards and highlighting best practices (as well as poor practices, if it is safe and possible to do so).

Finding 2:

Labour migrants are commonly subjected to exploitative practices.

The study found that abusive recruitment practices and particularly harsh terms of employment exacerbate the harm suffered by labour migrants and further marginalise these individuals. Interviewees reported that employers sometimes made empty promises in such areas as pay or accommodations. In some cases, labour migrants were sent to work in dangerous areas without their consent. There is a need for transparency and accountability in recruitment processes.

The accommodations for labour migrants in countries in the Persian Gulf, for example, have been described as "abysmal": they are unsanitary, overcrowded spaces and lack air conditioning. Labour migrants have few opportunities for recourse when they are paid less than promised and suffer from poor working conditions. A lack of legal powers coupled with contracts written in languages labour migrants are not familiar with can limit their opportunities to improve their situation and hold the PSCs and their respective clients accountable.

> *Survey responses revealed that labour migrants often work long hours, fail to receive days off and are subject to unfair recruitment practices, deportation, breach of contract, unpaid overtime, inequality in promotions, racism and poor management.*

Furthermore, PSCs often outsource recruitment to outside agencies, which may violate workers' rights by charging recruitment fees. These fees can be financially crippling and bind these personnel to their employer. Because many labour migrants in the sector have little or no savings, they are often forced to borrow money to pay such fees, which can lead to debt bondage. These practices can tie labour migrants to jobs in which unfair labour practices severely erode their rights, health and safety.

The study also identified some positive practices. Interviewees reported that some PSCs carry out in-house recruitment, do not retain migrant workers' passports and provide decent accommodations. Some PSCs translate contracts into the migrants' preferred language, a practice that allows migrants to make better-informed decisions when considering private security positions. Clients act as a critical juncture in this process too: they may terminate relationships with security providers that breach their labour policy.[5] Stakeholders should encourage these positive practices.



Recommendations

1. PSCs should recruit employees themselves where possible. In cases where agencies are used, PSCs should ensure that recruitment fees are not charged and, where they have been, reimburse these fees to personnel. PSCs should refer to the 11 ILO indicators of forced labour[6] in order to avoid such abusive practices. Contracts should be translated into the labour migrants' preferred language.

2. ILO housing standards should be applied.

3. PSC clients should only hire PSCs with ethical recruitment practices, embed these labour standards into their policies and procurement practices and refer to the ILO's indicators of forced labour when considering which PSC to hire and when monitoring contract compliance. Clients should only hire PSCs that do not charge recruitment fees (or for PSCs, the recruitment agencies that do not charge recruitment fees).

4. Governments should sign and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and should incorporate the 11 ILO indicators of forced labour into national law as illegal practices.

5. ICoCA, CSOs, NGOs, unions and other organisations should elevate the voices of those in marginalised positions whenever possible by advocating for labour migrant rights while taking into account the specific risks that labour migrants face.

Finding 3:

Workplace stratification by factors such as gender, race and nationality affects recruitment practices and working conditions.

> *"There's this really perverse outsourcing of risk to the most economically, socially and politically vulnerable, where we're making them absorb the most risk and we're paying them the least."* (Interviewee)

More than one-third of the global survey respondents experienced or witnessed some form of discrimination. Interviewees and guards reported mainly race, gender and nationality-based discrimination, although discrimination on the basis of religion, ethnicity and sexual orientation was also reported. For instance, in contexts of multinational military interventions like Afghanistan, Western expatriates reportedly received better protection, better pay and lower-risk positions, while third-country nationals and local personnel were given higher-risk work for lower pay. In addition, Western expatriates were often in charge of control and command and generally worked inside secure locations within bases or compounds, whereas foreign nationals and locals often guarded the outside perimeter, placing them at higher risk. One interviewee described an "inverse relationship" in which risk, compensation and race are all linked.

Preventive mechanisms are also reportedly underdeveloped or non-existent, allowing discrimination to run rampant. When such harm is not addressed, it is not only explicitly overlooked, but also implicitly endorsed and reinforced. This creates a recurring cycle of harm and violence without consequence for discriminatory behaviour.

Limited preventive measures

- Only 25% of surveyed personnel in Uganda indicated they were aware of measures designed to prevent discrimination, while that number falls to 20% in Kenya and 16% in Tanzania. When working conditions are particularly bad, preventive measures alone may not even be enough to discourage discriminatory behaviour.

The industry's discriminatory practices can pigeonhole both women and racially discriminated men into certain positions with limited (if any) decision-making power. While more women are working in the private security industry today than ever before, this development requires closer scrutiny. Numerous interviewees described the private security industry as "macho", a well-established feature of the sector.[7] Female personnel reportedly tend to take up administrative positions. Problematically, their inclusion is often viewed strategically, in which PSCs and clients assume women will inherently bring forward certain skills, such as those in conflict resolution, crisis intervention and a cordial and amenable attitude that will "make clients smile."

This positioning is intentional but it also restricts space for alternative identities and skills of both men and women, hampering opportunities for innovation in the sector. While women are more at risk of experiencing gender-based discrimination, harassment and physical violence, gender essentialism can reinforce, instead of prevent, gendered harm for personnel and the general public. We have seen the negative consequences in public forces too, and private security can learn from the negative impacts that assumptions about women's skills have in these spaces.[8]

> *Female personnel "are being silenced. They don't have a say and they are not even listened to. They face intimidation and discrimination on so many levels, and they don't even have a voice because they don't want to get demoted".* (interviewee)

In addition to the problem of discrimination when diverse identities are in the workplace, racial, national origin and gender diversity are limited throughout the ranks of many PSCs. This is likely to limit opportunities for many individuals entering the field, limit the integration of diverse groups and decrease productivity.

Discrimination and a lack of diversity are not unique to the private security sector. They are often a reflection of the cultural and social forces in society at large. To be successful, efforts to diversify the workforce and ensure equal treatment must take into account the broader social context while implementing preventive mechanisms and creating opportunities for diverse individuals to take up a variety of positions.



Recommendations

1. PSCs should implement strong policies and procedures to prevent and address discrimination, while also developing effective reporting mechanisms that are adapted to local circumstances. PSCs should provide detailed information on the grievance procedure, whistleblowing and other reporting mechanisms on their company website.

2. PSCs should promote diversity not just among their rank-and-file personnel but also at various decision-making levels, including management. This should include providing opportunities for career growth and development and implementing mechanisms that ensure women occupy a variety of roles.

3. Clients should actively prevent harassment and other discriminatory behaviour and implement accessible grievance mechanisms for private security personnel (alongside those mechanisms implemented by the PSCs themselves). Clients will have to work with PSCs to identify areas of potential discrimination and provide multiple avenues through which personnel and the general public can seek redress for discriminatory harm.

4. ICoCA, CSOs, NGOs, unions and other organisations should continue to focus attention on those who are discriminated against in the industry, advocating for protective mechanisms, providing protection if possible and challenging broader discrimination in society at large.

Finding 4:

Training provided to private security personnel is critical but often substandard.

Interviewees called for more and better training, citing benefits to the quality of service delivery in terms of mitigating risk and improving security outcomes for personnel, the public and clients. Other studies have confirmed that training in private security, if provided, tends to be insufficient[9] despite its advantages.[10] Based on its own observations during field monitoring missions, ICoCA has also identified training as a major need in the industry.

Training varies between clients, contexts and companies, leading to discrepancies in basic preparedness. In the global survey, personnel identified a need for training in the following areas: conflict management and resolution; working with clients; legal rights; laws applicable to the security sector; the use of force; human rights; first aid and emergency response; self-defence; health and safety; weapons handling; site-specific considerations; and technology. One ICoCA Member company stated that personnel relied less on their firearms after receiving training on the rules on the use of force. One client reported that regularly provided training on the Voluntary Principles on Security and Human Rights has improved personnel's respect for the law. Effective training courses must be broad in scope and sufficiently detailed.

Training availability and quality

89% of employees surveyed in Kenya reported receiving training, versus 70% in Tanzania. This is a sizable portion of the workforce, but all personnel should receive training. In Uganda, 93% of surveyed employees reported that their employers offered training, but most felt it was insufficient. Some clients and companies may emphasise the quantity, rather than the quality, of the training they provide.

Insufficient training affects personnel's ability to do their jobs effectively. Personnel may not know what tools to rely on, what their legal responsibilities are or what their role in preventing security incidents should consist of. This uncertainty has dangerous – and sometimes deadly – consequences. Poorly trained personnel are more likely to break the law,[11] subjecting the general public, clients and themselves to harm while also increasing the likelihood of legal repercussions throughout the supply chain. At the

macro level, the consequences of poor training can stain the industry's reputation broadly and clients' reputation in particular. On the individual and community level, security officers may be held responsible if people are harmed or killed, although interviewees argued that the PSCs themselves are often actually to be blamed for not providing appropriate training.

Training can enhance the quality of services provided, improve the safety of personnel and the general public and increase professionalism in the private security industry while reducing the likelihood of human rights violations.

Recommendations

1. PSCs should provide mandatory basic training and ensure all personnel complete training courses offered by organisations such as ICoCA. Personnel authorised to handle weapons require appropriate weapons training with at least annual refresher courses.

2. PSCs should focus on both the quantity and quality of the training courses provided as well as on the breadth of the courses, which should cover defensive tactics and other traditional security aspects, de-escalation, conflict management and human rights concerns. Training models can also mirror some preliminarily successful recent initiatives in public policing.[12]

3. Clients should provide additional training if necessary, particularly site-specific training, and ensure that private security personnel have been trained prior to beginning assignment.

4. Clients should stipulate training requirements in contracts and build the cost of training into the overall price of private security services.

5. Governments should set basic mandatory training standards for PSCs and create common guidelines for PSCs and clients across industries and locations.

6. ICoCA, CSOs, NGOs, unions and other organisations should support PSC's training capacities by creating, developing or co-developing training modules and by delivering training to PSCs and personnel when possible.



Finding 5:

There is a direct link between poor working conditions and private security personnel's respect for the law.

Private security personnel who are subject to abusive labour practices are more likely to become abusers themselves. Poor working conditions have reverberating consequences across and outside the supply chain: poorly treated guards treat others poorly. The impacts ripple across communities, affecting personnel and their families, the general public and clients. Poor working conditions also undermine the industry's capability to deliver high-quality services.They are often both a violation of an officer's rights and a contributing factor that leads personnel to violate other people's rights.

Interviewees reported that poor treatment increases the likelihood that personnel will engage in unlawful behaviour, including corruption, theft and, ultimately, abuse. Interviewees stated that personnel lose motivation and become less loyal to their employer and to protecting sites. They added that this undermines their work ethic and leads to gaps in service delivery that can harm the people and sites that officers are supposed to protect. According to some interviewees, the excessive use of force against the general public can be attributed to poor training. Such behaviour took place at the Manus Island detention centre in Papua New Guinea and a refugee detention centre in Nauru. Poor working conditions contributed to personnel violence towards migrants in the facilities.[13]

The surveys confirmed this link. Personnel stated that poor working conditions were associated with generally poor service delivery, reduced compliance with behavioural requirements and outright "assault" and "physical and verbal aggressions". Over half of respondents in the global survey noted that personnel were more likely to engage in unlawful behaviour when working conditions were poor. With millions of personnel across the world, that presents a significant risk. Poor working conditions can be a systematic predictor of abuse.



Poor working conditions, poor behaviour

On average across the three East African countries, 38% of personnel reported that poor working conditions led to unlawful behaviour. This connection was more pronounced in places with worse conditions. Relative to other locations in Kenya, the town of Nakuru had some of the worst working conditions and the highest proportion of guards that had observed abuses linked to poor working conditions (69% compared to average of 35%).

In Latin America, one interviewee noted that personnel are typically held liable for breaches of the law, even though it is the employers that are really to blame. Offsetting responsibility to personnel feeds a vicious cycle. Overworked, under-resourced and untrained personnel are more likely to commit human rights abuses or other missteps in the workplace.

In the public policing sector too, working conditions have been linked to police brutality.[14] Media attention directed towards cases of human rights violations has brought a great deal of attention to reforming the public sector. The private sector can learn from this – the presence of private security services can actually reduce security when working conditions are poor. Stakeholders simply cannot afford to overlook the value of basic working conditions in the private security sector. Incidents place companies and clients at risk of facing a major public relations crisis and harm the livelihoods of the general public and personnel.

Recommendations

1. PSCs should focus attention on the value of personnel's well-being. PSCs can reduce the likelihood of abuses by complying with basic labour standards and emphasising the productivity benefits of compliance when bidding for contracts. PSCs should also vet personnel effectively to reduce the likelihood of abuses.

2. Clients should conduct due diligence by vetting PSCs with regard to their performance records and human rights records. They should also integrate basic labour standards into their contracts.[15] PSCs that belong to ICoCA offer an advantage in this regard, as they have taken the necessary steps to deliver security services responsibly and ethically.

3. Human rights-oriented civil society organisations should join ICoCA. As Members, they will be called on to disseminate knowledge of the Code, publicise ICoCA trainings and the ICoCA complaints mechanism and to rely on this complaint mechanism whenever necessary to report violations and deter further abuses.

Finding 6:

PSC clients have a major impact on private security personnel's working conditions.

Numerous interviewees identified clients as a driver of working conditions in the industry. Clients reportedly often fail to carry out due diligence, hiring PSCs without taking into account PSCs' performance indicators and human rights records before signing a contract, and failing to monitor PSCs' performance over time. Interviewees reported that many clients drive down prices, creating a race to the bottom. Clients' search for the lowest prices often places undue pressure on PSCs to adopt lower standards in order to secure contracts, consistently undercutting each other to stay afloat in the market. Interviewees also stressed that clients often view PSCs simply as suppliers rather than partners. This asymmetry allows clients to justify low prices and requires a reframing of the supplier-client relationship in security services.

Misconceptions about security work among hiring bodies can create tension between PSCs and clients, generating unrealistic expectations for private security officers and leading to poor communication and confusion among personnel regarding their roles and responsibilities. Clients may also be held liable for security missteps. Following the riots on Manus Island, private security officers filed a lawsuit against both the PSC as the employer and the Australian government as the client for failing to provide personnel with safety equipment, training and support.[16] Clients are often willing to invest more in security services after incidents occur, but it is already too late. High-quality security should be preventive, not reactive.

Many interviewees mentioned instances in which clients drove positive change, such as by investing more in security services, although this is not widespread. One client expressed the benefits of hiring PSCs that paid their personnel on time and offered better working conditions relative to other PSCs, acknowledging the benefits of paying fair prices for services. There is indeed some recognition that high-quality security services can prevent crime-related losses, provide clients with a competitive advantage, boost the success of day-to-day business operations, build trust and even promote business growth, while low-quality security compromises trust and hampers operations.[17]

Client engagement matters for operational effectiveness and the longevity and viability of a client's own business operations, so clients must take private security seriously. Clients are not just a link in the chain of



working conditions but a driver of those conditions, setting the foundation for the well-being of personnel, the propensity of human rights abuses to occur and the success of private operations.

Recommendations

1. PSCs should not enter into contracts when the price does not allow them to provide decent working conditions.

2. Clients should focus on relationship-building with PSCs, treating them as partners and recognising that personnel's well-being is important to the client's success.

3. Clients should ensure their contracts with PSCs set out a fair price that reflects the quality of security expected and that stipulate compliance with international labour standards.

4. Clients should apply their own internal standards, with the same level of due diligence, to the PSCs that they hire. Clients must vet the certifications of PSCs, including whether they are ICoCA certified and Members of ICoCA, and whether they have the appropriate certifications (including, but not limited to: International Organisation for Standardization (ISO) 18788:2015, ISO 28007:2015 and ANSI/ASIS PSC.1. from the International Accreditation Forum (IAF) and the Multilateral Recognition Arrangement (MLA) accredited bodies.

Finding 7:

Governments are both the primary regulators and major procurers of private security, providing them with opportunities to implement, monitor and enforce minimum labour standards and lead by example as clients.

Governments exercise a great deal of influence over working conditions in two ways: as regulatory authorities setting standards and as clients negotiating prices with PSCs. As the regulatory authority, interviewees urged governments to insist on high standards, invest in improving working conditions and monitor compliance with the law; as clients, interviewees advocated for governments to set a precedent of fair prices, build partnerships with PSCs and seriously engage with vetting and procurement standards.

Interviewees noted the need for governments to set specific private security standards and minimum working conditions through national legislation. They reported that government regulation of the private security industry currently consists of a patchwork of laws and standards and emphasised the need for standardisation within the industry, which may facilitate monitoring and oversight and promote a shared understanding of labour-related standards (e.g. training needs, working hours, access to healthcare and support systems and living wages). Context matters, but differentials in baseline working conditions leave some personnel less protected than others. Transnational PSCs, for instance, can escape strict home-country regulations by operating across borders.

Private security presents unique risks and personnel face unique challenges in the workplace, all of which should be accounted for when legislation is designed and enforced. Unfortunately, patchwork policy coupled with a hands-off approach to private security governance has been embraced at the expense of good working conditions. And although those most affected should have a seat at the decision-making table, government regulators often fail to include private security experts and practitioners in regulatory-related decisions.

To enforce legislation, political will must be met with political capacity. Collaboration with industry players can be crucial in supplementing state capacity and can help raise standards in the private security industry. Unfortunately, some PSCs have begun to rely on subcontracting in an attempt to evade responsibility for breaches in domestic law. The legislative framework needs to address the ways in which PSCs may attempt to shirk their responsibilities. While capacity among governments varies, countries have a variety of tools at their disposal, and the choice to leverage these tools – or not – sets the tone for labour standards.

Recommendations

1. Governments should lead by example as clients. This means conducting due diligence in procuring PSCs, paying fair prices and assessing human rights records. Governments can also provide procurement guidelines that other clients must follow.

2. Governments should implement and enforce regulations or legislation setting out basic working conditions. The rules must be rooted in international standards and norms and, with the help of third parties or other governments when necessary, they must set basic standards that apply across the industry. Governments may also wish to include security practitioners in the decision-making process to ensure the practicality and feasibility of rules. However, the industry must not be left to regulate itself.

3. Governments should oversee licensing, requiring all PSCs to be licensed and demand transparency in the industry regarding human rights standards, encouraging clients to make informed choices.

4. Governments should join ICoCA and follow its lead by incorporating human rights considerations into private security governance.

5. ICoCA, CSOs, NGOs, unions and other organisations should seek opportunities to advise governments whenever possible, supporting the development of licensing programs, training models and certification processes.



Finding 8:

Other actors and mechanisms, including ICoCA, can drive change by raising awareness of and promoting compliance with legal standards relating to working conditions in the private security industry.

NGOs, CSOs, unions, industry associations and ICoCA are key stakeholders that can influence working conditions by advocating for the rights of private security personnel and assessing the ways in which their working conditions can affect the livelihoods and security of those they interact with.

ICoCA membership can bring reputational benefits to PSCs and position them for better opportunities with clients. This may become increasingly relevant as human rights due diligence legislation leads PSCs and their clients to review their performance in terms of environmental, social and governance (ESG) criteria. Some clients are now known to require ISO certification, ICoCA certification or both, as part of contractual arrangements. Training and certification opportunities through ICoCA, as well as ICoCA's guidelines on procurement practices,[18] can elevate awareness of basic standards, including those related to personnel's working conditions and well-being.

Interviewees expressed support for research initiatives and campaigns that raise awareness about working conditions in private security. Continued engagement is crucial to sustaining the momentum needed to drive change over time. Organisations can highlight these issues and put them on the policymaking agenda. Interviewees also called on PSCs, clients and governments to share best practices.

A variety of organisations advocate for positive working conditions and compliance with human rights. Industry associations, for example, play an important role in regulating the private security industry. These associations reportedly understand the industry's complexity and can drive structural improvement. Trade unions have also already developed tools for private security,[19] which governments can draw on to design effective labour-related legislation. In other industries, unions, particularly in collaboration with others, have brought exploitative working conditions to the attention of policymakers, leading to corrective legislation.[20]

Collective action can elevate personnel's needs. Global framework agreements, negotiated between multinational corporations and global trade union federations, for instance, require multinational companies to follow particular standards (in areas such as fundamental labour and social rights, working conditions, industrial relations, health and safety, training and environmental protection) in more than one country and often worldwide.

Insurance can also be leveraged to improve working conditions. Insurance companies can encourage compliance with basic working conditions by informing PSCs and clients of the standards necessary to protect personnel and reduce the likelihood of physical harm, thereby lowering risk. A culture of collaboration with and between CSOs, NGOs, insurance providers, trade unions and other

organisations that seek to improve working conditions and promote responsible security provision is encouraged to better support personnel and protect the general public. ICoCA, CSOs, NGOs, insurance providers, trade unions and other organisations can help catalyse change by tapping into the evolution of human rights standards and existing commitments to corporate social responsibility.

Recommendations

1. In their effort to provide decent working conditions and protect their personnel and the general public, PSCs should partner with CSOs, NGOs and other organisations, encourage freedom of association of their personnel and seek opportunities to listen to and learn from civil society entities, industry associations and other organisations.

2. PSCs should join ICoCA and commit to responsibly delivering security services.

3. Clients should partner with these organisations in order to share best practices and identify PSCs that do or do not abide by human rights law. Whenever possible, clients should seek out this information from third parties during procurement.

4. Governments should also partner with these organisations, integrating feedback, research and publicly available information to set appropriate standards and to identify PSCs that are or are not law-abiding.

5. ICoCA, CSOs, NGOs, unions and other organisations should, wherever appropriate, collaborate with each other and with governments, clients and PSCs to highlight best practices and advocate for positive working conditions in the industry. This includes leveraging the potential of industry associations and worker representation bodies, providing opportunities for personnel to give feedback, elevating the voices and experiences of personnel whenever possible and carrying out public awareness campaigns.

6. ICoCA, CSOs, NGOs, unions and other organisations should directly support the capacities of PSCs by offering technical and logistical advice to improve working conditions and/or maintain positive standards when possible.



ENDNOTES

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11. Training on the use of force for instance will help ensure that force is used only when necessary and in line with local laws. Similarly, ensuring that personnel are trained to handle their weapons will help make them familiar with the weapons and ensure that it is used appropriately.

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15. The ICoCA procurement guides provides details of what should be included in a contract. https://icoca.ch/wp-content/uploads/2022/02/A-Procurement-Guide-for-Contracting-Responsible-Private-Security-Providers-En.pdf

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The Responsible Security Association

International Code of Conduct Association
Geneva, Switzerland
e. secretariat@icoca.ch
w. icoca.ch