

CIERTO CODE OF ETHICS AND CONDUCT

Transformational Recruiting



CONTENIDO

Introduction	3
Objective	5
Scope	5
Values	5
Commitment to our collaborators and recruited staff	7
Compliance with current regulations	7
Human rights	8
Disclosure of information	8
Diversity, inclusion, equal opportunity and respect	9
Safety and health	9
Spaces free of violence, harassment, and substances	10
Commitment to the management of our resources and Those who collaborate with us	12
Confidential information and personal data	12
Information safety	13
Communication and social media use	13
Commitment to the community and the environment	14
Responsibility and benefits to the community	15
Environmental responsibility	15
Commitment to our customers (producers, contractors, etc.)	16
Processes with producers or contractors	16
Qualified, certified and stable workforce	18
Contracting processes with third parties	18
Code of ethics and conduct complaints and grievance procedure	19
Mechanism for conflict resolution in the process of selection, recruitment and transportation of recruited personnel	21
Minor alerts	22
Intermediate alerts	22
Serious alerts	23

INTRODUCTION



Transformational Recruiting



“CIERTO” is an international organization specializing in recruiting, training, and placing personnel from Mexico and Guatemala in the United States of America. We provide technical and consular advice to employers in relation to the federal H2A and H2B visa programs.

Our services offer a qualified, certified, and stable solution to workforce needs for producers. For migrant workers, these services provide safe and sustainable work opportunities, along with open and constant communication throughout their contract. Consistent monitoring is key to ensuring that the labor supply chain is legal and free from forced labor and abuse.

We advocate for an equitable recruitment model, striving daily to develop strategies that eliminate the fraudulent, corrupt, and dangerous practices that migrants often encounter. Through our comprehensive training program, we equip our staff with the knowledge needed to maintain compliance standards in labor matters and quality. Furthermore, we provide transparent information about their working conditions.

To clarify and enhance the hiring framework for migrants, CIERTO has developed a document titled “Good Practices for Fair Hiring.”¹ This document was funded by the European Union and created in collaboration with the International Labour Organization (ILO) and the REFRAME Project: Global Action. It is in line with the “General Principles and Guidelines”² established by the ILO in 2019.

These practices aim to introduce effective and alternative models for the employment of migrant workers. They are implemented within the framework of human and labor rights, in accordance with laws and regulations that yield a positive impact on all stakeholders involved.

In line with these principles, the development of this Code of Ethics and Conduct draws upon international standards and the prevailing legislation in each respective country. Its purpose is to further endorse equitable employment and recruitment practices while fostering collaboration among international institutions such as the ILO, the United Nations, the International Organization for Migration (IOM), and the World Forum for Migration and Development. As a socially responsible entity, CIERTO is compelled to implement voluntary self-regulatory measures. These measures serve as a compass for workers, our personnel, and employers, guiding them in embracing this code on a voluntary basis. Nonetheless, it’s essential to highlight that the content of this code references both international and national laws and regulations that are currently in effect and obligatory in practice.

¹ Available at: https://www.ciertoglobal.org/wp-content/uploads/2020/12/10_Practicas_Esp_digital.pdf

² Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_568731.pdf



OBJECTIVE

The objective of this Code is to document and establish the principles, guidelines, and regulations that hold relevance on both national and international scales. These elements exemplify our dedication to equitable and ethical practices, serving as a framework for shaping the conduct of our personnel and all individuals, institutions, or organizations that engage with CIERTO.



SCOPE

Our Code applies to any person who has a direct or indirect relationship with CIERTO, such as:

Members of the CIERTO staff.

Third parties (customers, employers, producers, suppliers, retailers³).

Recruited staff.

Verifying counterparties.⁴

Anyone who acts in the name of CIERTO.

Other actors.



VALUES

CIERTO is actively striving to transform the ethical recruitment paradigm by building trusting relationships between producers, workers and consumers. The following core values are an important part of this transformation and drive our actions within the industry:

- ✓ Transparency
- ✓ Trust
- ✓ Empathy
- ✓ Communication
- ✓ Mutual respect
- ✓ Professionalism

Facing challenges with passion, integrity, honesty, and dedication

³ Retailer is the last link in the distribution chain, i.e. the one in contact with the final consumer.

⁴ Verifying counterparty: Actors allied with CIERTO such as civil society organizations, religious institutions, and activists.



**COMMITMENT TO
OUR EMPLOYEES AND
RECRUITED PERSONNEL**



Compliance with current regulations

- I : All contracts must adhere to the laws, regulations, agreements, rules, and other relevant instruments in the countries of origin, transit, and destination. This includes measures to prevent forced labor and human trafficking.
- II : Minors will not be hired.
- III : All employees must have the necessary exit authorizations and visas before leaving their home country. This includes the required documents for entering the destination country and any transit countries during both the outbound and return travel.
- IV : No individual will be compelled to engage in activities against their will through threats or coercion.
- V : Workers or job seekers should not be charged or required to pay any hiring fees or associated costs, except when mandated by law.
- VI : CIERTO will consistently stay informed about existing regulations and will also ensure that the external individuals we interact with stay updated as well.
- VII : All practices must align with current laws and be conducted in an honest and ethical manner, with a strict stance against bribery. Any instances of corruption or extortion will be rejected, reported, and actively fought against.
- VIII : CIERTO will adhere to the relevant laws aimed at preventing money laundering. We will also work to ensure that our staff is well-informed and compliant with these regulations.
- IX : We will not accept any form of money, gifts, special treatment, salaries, travel, commissions, or valuable items to gain unfair advantages or benefits of any kind.
- X : Theft and fraud shall not be tolerated.

Human Rights

- XI CIERTO upholds, safeguards, and acknowledges internationally recognized human rights. This includes the right to freedom of association and collective bargaining, as well as efforts to prevent and eliminate forced labor, child labor, and discrimination in employment and occupation.
- XII Any agreement regarding hiring and working conditions for workers must be voluntary and without any deception or coercion.⁵
- XIII The right to freedom of movement is respected.⁶
- XIV This Organization does not retain or destroy identity documents or contracts of workers, without prior consent.

Dissemination of Information

- XV Job openings will be advertised as long as the agreements or contracts with the employer companies remain in effect.
- XVI Agreements or contracts signed with employing companies shall include the requested number of migrant workers, the type of crop to be harvested, as well as details about the working conditions and climate.
- XVII Requests for personnel will be advertised in collaboration with civil society organizations and locally recognized churches or ecclesiastical institutions, with whom CIERTO maintains communication. These requests must provide accurate and trustworthy information to prevent any form of deception, fraud, or scams targeting workers.
- XVIII Migrant workers will receive bilingual employment contracts (in English and Spanish). If needed, these contracts will be translated into the language of the workers' home community.
- XIX Migrant workers will receive information about the following: tasks to be performed, food arrangements, salary details, payment methods, working hours, schedule, contract duration and associated benefits, employer's name and address, specific work location, the worker's residential address in the destination country, relevant state or federal laws, contact details for the government agency handling labor-related complaints, and the geographical and climatic conditions of the workplaces at the destination.

⁵ Coercion is force or violence done to someone to force them to say or do something.

⁶ Freedom of movement (right to) — Within the framework of human rights law, the three basic elements included in this human right are: the right to move freely and to choose residence in the territory of a State; the right to leave any country; and the right to return to one's own country. Source: Universal Declaration of Human Rights (adopted on December 10, 1948), resolution 217 A of the United Nations General Assembly, art. 13

- XX CIERTO will ensure that charges to the worker, as allowed by law, are set at reasonable and fair market rates, staying within the limits authorized by both legal standards and government authorities.
- XXI Workers must have access to information about this process at every stage, starting from their selection, continuing through transportation, during the consular interview, and even after they return home at the conclusion of the working season.

Diversity, inclusion, equal opportunity, and respect

- XXII Respect and fairness shall prevail at all times.
- XXIII Employment decisions, including hiring, compensation, promotion, and work assignments, will be grounded in objective and quantifiable criteria such as education, skills, accomplishments, talents, and performance. These decisions will adhere to internal selection policies and relevant labor laws.
- XXIV Under no circumstances should factors such as race, sex, language, religion, age, gender, sexual orientation, ethnicity, origin, nationality, disability, pregnancy, HIV status, marital status, sexual identity, or any form of discrimination influence decisions regarding positions within CIERTO.
- XXV The principles of ethnic and linguistic diversity and gender equity shall be respected at all times.
- XXVI When recruitment processes take place within indigenous communities, translation services will be provided during both the pre-selection and selection phases for applicants.
- XXVII CIERTO will advocate for progressive hiring practices that prioritize gender equity.

Safety and health

- XXVIII Migrant workers will be offered safe and dignified transportation at no cost.
- XXIX Migrant workers will receive three nutritious and diverse meals each day. These meals will supply sufficient calories to support the physical demands of their work and, whenever feasible, consider the sociocultural background of the worker's home country.
- XXX Worker training will equip individuals with tools and skills to avert circumstances that could endanger their physical or emotional well-being. In cases where unexpected situations arise, training will encompass guidance on identifying the appropriate person or organization to contact for assistance in resolving the issue.

- XXXI A procedure will be established to ensure the adequacy of working conditions and the employer's commitment to comply with recruitment and hiring regulations, as well as good practices. This also includes adhering to the terms and specifications of the following:
- a. Contract.
 - b. Housing.
 - c. Transportation.
 - d. Meals.
 - e. Existence of mechanisms for settling conflicts or disputes such as the human resources department.
- XXXII Workspaces will be kept safe and clean, adhering rigorously to safety regulations. Facilities will include hygienic toilets, drinking water, and suitable areas for food consumption.
- XXXIII Any unsafe actions that jeopardize the well-being or life of any individual must be promptly reported.

Spaces free of violence, harassment, and controlled substances

- XXXIV A secure and safe work environment will be maintained, with a commitment to not tolerate threats, acts of violence, or any form of physical or emotional intimidation.
- XXXV Behavior that is abusive, hostile⁷, or offensive is strictly unacceptable. This includes verbal, physical, visual, or technological means of communication. Additionally, offensive gestures, comments, or communications will not be tolerated.
- XXXVI Harassment, including unwanted sexual advances, invitations, comments, or sharing derogatory or sexual materials, as well as gestures or physical actions like sexual assault or non-consensual contact, will not be tolerated.
- XXXVII Weapons or tools designed to cause harm are prohibited from entering workplaces, CIERTO facilities, or during negotiations on behalf of CIERTO.
- XXXVIII Workers must not arrive at the worksite under the influence of alcohol, illegal drugs, or substances that impair safe and effective performance. Substances that could negatively impact safety, productivity, attitude, reliability, or judgment are not allowed.
- XXXIX The use, possession, sale, attempted sale, transportation, distribution, or production of drugs or controlled substances during activities within facilities, company vehicles, or processes related to worker recruitment, transfer, and placement are strictly prohibited.

⁷ To harass is to attack, assault, or annoy someone with insistence.





COMMITMENT TO THE MANAGEMENT OF OUR RESOURCES AND WHOM COLLABORATE WITH US

Confidential information and personal data

- I Information that is generated or acquired independently or from external sources will be safeguarded and preserved as an asset of CIERTO, in accordance with this Code of Conduct and relevant laws and authorized systems.
- II CIERTO will handle documents provided by employees with the utmost confidentiality, ensuring their protection to prevent data loss, damage, or unauthorized use or commercialization. Usage of such data for any purpose will require the explicit consent⁸ of the respective employee.
- III Accounting and financial information will be recorded accurately, completely, and in a timely manner, adhering to current regulations and ensuring the accuracy of the relevant indicators under our responsibility.
- IV The collection and processing of personal data will be carried out responsibly, ethically, and in accordance with the applicable laws that pertain to our operations. Regardless of their position, individuals who access personal or confidential information of representatives of CIERTO, recruited personnel, organizations, strategic partners, suppliers, customers, and others must ensure the security of that data. Personal or confidential information will not be disclosed without the owner's consent, except when necessary to fulfill legal requirements or processes.
- V CIERTO will maintain a record of all recruited and placed migrant workers if such records are required by a process or requested by an authority.

⁸ Consent is the manifestation of will, express or tacit, by which a subject is legally bound.

Information safety

- VI Fabricating or receiving false documents, stealing documents, and mishandling resources is strictly prohibited.
- VII Hardware, software, access, processing, and storage of data must be adequately safeguarded and utilized solely for authorized purposes.
- VIII Both software and official email accounts are the property of CIERTO and will be exclusively used for the Organization's purposes.
- IX No employee is allowed to install programs or licenses on CIERTO's computers without prior authorization. Similarly, modifying licensed software is prohibited, unless requested by the relevant department.
- X The name CIERTO shall not be used for personal benefit or advantage, nor should it be used to benefit any external organization.

Communication and social media use

- XI It is the staff's responsibility to be aware of and comprehend the particular policies and guidelines governing the utilization of networks, systems, and electronic information.
- XII Only individuals authorized by CIERTO's General Management are permitted to provide information about CIERTO to the media.



COMMITMENT TO THE COMMUNITY AND THE ENVIRONMENT

Transformational Recruiting



Responsibility and benefits to the community

- I CIERTO will establish and maintain connections with civil society organizations and church institutions recognized within the communities of origin. These partners will serve as verification entities, aiming to amplify the social impact of our initiatives.
- II To ensure adherence to the temporary nature of contracts and to evaluate the broader impact of migrant labor in communities of origin, CIERTO will employ assessment questionnaires.
- III Training sessions and workshops will be organized in collaboration with local verification partners to assess various aspects, including the interview process, visa and document management, and the effects of migrant labor on worker families and the originating communities.
- IV In the communities of origin, training will adopt methodologies rooted in popular and engaging pedagogy, fostering intuitive knowledge transfer, effective communication, and conflict resolution. This training will encompass labor market dynamics, contract terms, job requirements, workers' rights, identifying hiring fees and associated costs, and barriers to accessing decent work.
- V Respect for community practices and customs, especially within indigenous communities, will be upheld, as long as they align with the principles of human rights.
- VI Inclusive mechanisms with a non-discriminatory gender approach will be implemented when handling remittances⁹, considering concepts of identity and interculturality¹⁰ within the originating communities. Special attention will be paid to achieving a balance between the individual development of migrant workers and the collective advancement of the community when managing these remittances, particularly within indigenous communities.
- VII Whenever feasible, the services of local translators recommended by local verification partners will be engaged.

Environmental responsibility

- VIII We acknowledge the importance of environmental protection and conservation as an integral aspect of our social responsibility.
- IX Within the workplace, team members are encouraged to recycle whenever feasible and to adopt practices that minimize water, energy, and resource consumption. This includes conserving paper by reducing unnecessary printing and reusing boxes and containers whenever possible.

⁹ Remittance is the sending of money from people living in another nation to their country of origin.

¹⁰ Interculturality, according to UNESCO, refers to the presence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.



COMMITMENT TO OUR CUSTOMERS (Producers, Contractors, etc.)

Processes with producers or contractors

- I CIERTO is committed to delivering high-quality services and treating our customers with respect, ensuring fairness and honesty in alignment with the principles and values outlined in this Code of Conduct.
- II Technical guidance and consultation pertaining to human resources, immigration, and labor procedures will be offered to guarantee the safety and excellence of our services. This includes:
 - a. Confirmation that no U.S. citizens are available to work the seasonal jobs under consideration.
 - b. Identification, selection, and recruitment of qualified farm workers who are ready, willing, and trained to perform the job.
 - c. Verification that all worker information is true and correct.
 - d. Submission of appropriate petitions¹¹ to the State Workforce Agency, the U.S. Department of Labor (DOL) and U.S. Citizenship and Immigration Services (USCIS)¹².
 - e. Provision of guidance for workers in the consular interview process
 - f. Provision of training and guidance for workers regarding details of their employment contracts
 - g. Provision of full logistical support for the transportation of workers from the community of origin to the Consulate, and to the housing provided by the employer or workplace, including the provision of hotel accommodation and meals.
 - h. Selection of qualified labor that can meet specific agricultural needs, requested by employers
 - i. Accompaniment of workers to the USCIS Application Support Center office for fingerprinting and photos¹³.
 - j. Guidance of workers during the border crossing appointment and the I-94 process¹⁴.
 - k. Provision of contact information for the families of recruited workers.

¹¹ Ibid.

¹² TemporaryAgriculturalProgramH2A: <https://www.dol.gov/agencies/eta/foreign-labor/programs/h-2a>

¹³ State Workforce Agency: <https://www.usa.gov/espanol/agencias-estatales>. U.S. Department of Labor: <https://www.dol.gov/> Citizenship and Immigration Services: <https://www.benefits.gov/es>

¹⁴ USCIS Local Office in Mexico City: <https://www.uscis.gov/es/acerca-de-nosotros/encuentre-una-oficina-de-uscis/oficinas-internacionales-de-inmigracion/mexico-oficina-local-de-uscis-en-ciudad-mexico>

- III We are committed to transparent, honest, and compassionate labor practices. We will uphold respect for workers while selecting the most qualified candidates and safeguarding them from potential legal issues. We will also implement best practices to ensure production, distribution, and consumption are conducted without exploitation.
- IV Communication with the employer shall be maintained through a verification questionnaire and report designed and implemented by local verifying counterparties¹⁵, with the goal of identifying workplace practices or deficiencies that directly affect workers.
- V Communication with the employer will be upheld through a verification questionnaire and report, developed and executed by local verification partners¹⁶. This aims to identify workplace practices or shortcomings that directly impact workers.
- VI Assistance in resolving conflicts and labor-related matters will be offered through established procedures and channels of support.



15 I-94 Form:

[https://www.usa.gov/espanol/registros-de-entrada#:~:text=El%20formulario%20I%2D94%20\(Registro,visitantes%20extranjeros%20a%20Estados%20Unidos.](https://www.usa.gov/espanol/registros-de-entrada#:~:text=El%20formulario%20I%2D94%20(Registro,visitantes%20extranjeros%20a%20Estados%20Unidos.)

16 Ibid.

Qualified, certified, and stable workforce

VII Staff selection will be based on the following criteria:

- a. Agricultural experience and skills in the pertinent type of harvest.
- b. Immigration history and possibility of entry into the destination country.
- c. Availability, possibility, and desire to travel.
- d. Optimal health conditions for the tasks established in the employee's contract and to prevent occupational diseases.
- e. Health certification: testing for injuries, diseases, and illnesses incompatible with agricultural work, in order to prevent occupational risks or diseases, which could leave workers unprotected against non-work-related illnesses or which are not covered by the Workers' Compensation Programs¹⁷.
- f. Review of past experience in the H2A and H2B programs, including a track record of adhering to the contracting party's regulations and willingness to engage in their training.

Contracting processes with third parties

VIII CIERTO will establish equitable and transparent contracts with registered and insured agencies or companies that uphold professional ethics. These contracts will also incorporate a level of flexibility to address unexpected situations, all while ensuring they are devoid of fraud and exploitation.

IX The selection criteria for transportation companies are based on the following criteria:

- a. Possession of travel insurance, both for the vehicle and for the driver, so that migrant workers are insured and covered throughout the journey.
- b. Maintenance of transparent cost management.
- c. Compliance with all legal vehicle registration and review requirements.
- d. Humane treatment for migrant workers guaranteed.
- e. Adherence to professional ethics.
- f. Flexibility to allow for adjustments and date changes on tickets to and from the work site. This is important because the workload at the destination is subject to high variability and the final closing date of the contract depends on the harvest time.

X When selecting third-party contractors, priority will be given to the quality of services offered by suppliers, including carriers, food providers, and accommodation providers.

¹⁷ Workers' Compensation Programs: <https://www.doi.gov/pmb/hr/workerscompensation#:~:text=The%20Federal%20Employees'%20Compensation%20Act,to%20work%20and%20survivor%20benefits>.

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CODE OF ETHICS AND CONDUCT COMPLAINTS AND GRIEVANCE PROCEDURE



Any individual, whether having a direct or indirect association with CIERTO, may lodge a complaint or raise a concern if there is a breach of any of the guidelines stated in this Code of Ethics and Conduct.

To uphold this Code, every member of the CIERTO organization is expected to be acquainted with the CIERTO Code of Ethics and Conduct and sign the Letter of Commitment, demonstrating their dedication to adhering to the principles outlined in the document.

Matters that fall outside the scope of the aforementioned guidelines will be governed by other policies upheld by CIERTO or any relevant legislation.

To report a complaint or grievance, the following procedure shall be followed:

1

A grievance or report may be submitted at **feedback**  which is monitored by personnel trained to address the complaint or grievance.

2

Regardless of the means of filing the complaint or grievance, please be assured that all provided information will be treated confidentially.

3

Following this, an impartial and well-substantiated investigation will be conducted. No retaliatory actions will be taken against individuals who report issues or cooperate with the investigation.

4

During the course of the investigation, a progress report will be provided within 15 business days.

5

The outcome of the investigation and the measures implemented to address the conflict will be communicated to all parties involved. Each step of the process will be documented and securely stored in CIERTO's confidential records.

MECHANISM FOR CONFLICT RESOLUTION IN THE PROCESS OF SELECTION, RECRUITMENT AND TRANSPORTATION OF RECRUITED PERSONNEL

Workers recruited by CIERTO, who are employed or will be employed on the ranches they were hired for, have the opportunity to file grievances during the following instances:

Recruitment

In case of intermediary expenses, threats, or any breach of the guidelines outlined in the Code of Ethics and Conduct during the selection and recruitment process, carried out by individuals or organizations representing CIERTO or the destination ranch.

Additionally, for any other violation connected to human rights.

Transfer

In relation to the collection of fees or costs not mentioned in the training, requested by carriers or people acting on behalf of CIERTO or the destination ranch. Any other violation related to your human rights.

Destination ranch

Disputes raised at the destination ranch can be reported through the **CiertoApp** application. These notifications will be categorized as: [Category Name].

21

For issues arising during the recruitment and transfer process, complaints can be submitted to the following phone numbers:



Office in Mexico
Tel. (55) 47744880



Office in Guatemala
Tel. (502) 23154128



**Verifying
counterparty¹⁸**

Furthermore, the procedure outlined above for reporting complaints or grievances related to violations of the Code of Ethics and Conduct will be adhered to. For details regarding the categorization of alerts, as well as the routing and handling mechanism, please refer to the information provided below.

¹⁸ Ibid

Minor alerts

These minor alerts may arise from issues concerning accommodation or food services (e.g., absence of hot water, unfavorable location) or interpersonal conflicts among co-workers.

It's worth highlighting that the training given to workers equips them with techniques for resolving conflicts non-violently and engaging in assertive communication.

Procedure:

- ① The worker respectfully informs either the human resources department or the ranch foreperson about the specific issue, citing the conditions stipulated in their employment contract.
- ② Through the CIERTO application, the worker submits a report detailing the situation. This enables both CIERTO and our verification partner¹⁹ to verify the conditions provided by the ranches.
- ③ If necessary, guidance will be provided for conflict resolution or to address inquiries related to the contract or CIERTO's conducted training.
- ④ The alert and its resolution will be incorporated into CIERTO's feedback questionnaires.

Intermediate alerts

Intermediate alerts encompass situations that endanger the physical, work, or emotional well-being of the worker. Examples include: discrimination or verbal abuse among personnel or supervisors, unaddressed recurrent work-related accidents, wages not aligned with the employment contract's terms, unremunerated overtime work, instances of harassment or bullying from higher-ranking staff or among peers, undisclosed additional charges not mentioned during hiring, and similar concerns.

Procedure:

The worker dutifully informs either the human resources department or the ranch foreperson about the current situation, referencing the conditions outlined in their employment contract.

The worker communicates the situation through the CIERTO application, over the phone, or through other available means, such as:

- ① By visiting **CiertoApp**, a platform overseen by trained personnel dedicated to addressing complaints or grievances. CIERTO diligently tracks the submitted complaints to ensure the effectiveness of the conflict resolution measures taken.

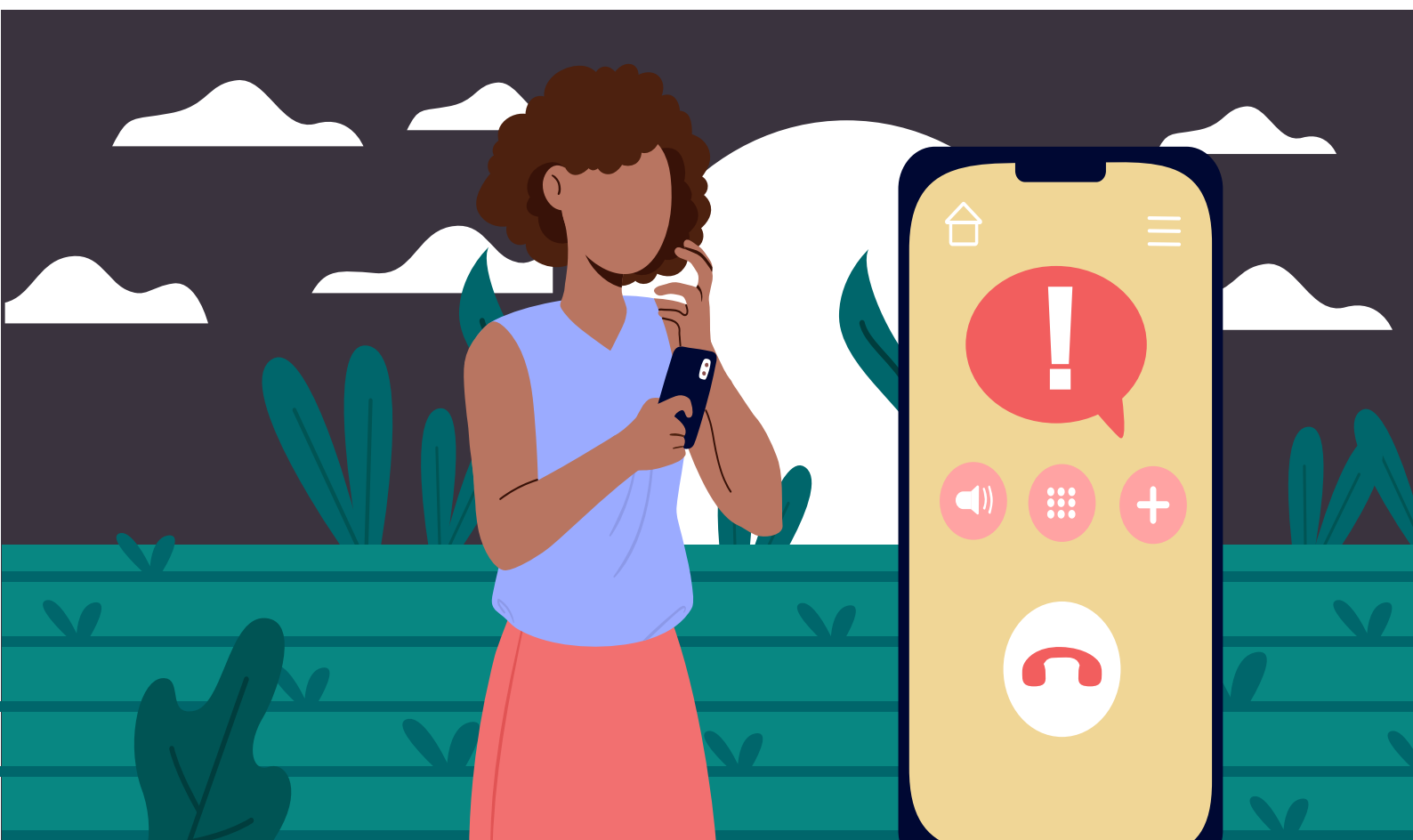
- ② This can include measures implemented by the ranch or providing guidance to the worker regarding resolution avenues. When required, CIERTO will directly communicate with the ranch to verify the status of conflict resolution. Upon the contract's conclusion, CIERTO compiles a report for the ranch, furnishing recommendations on addressing conflicts that emerged, thereby preventing their recurrence.

Serious Alerts

Serious alerts pertain to violations of workers' rights that endanger their safety and personal well-being. These instances include labor exploitation, forced and child labor, incidents of sexual assault, withholding of documents, and unlawful detainment against one's will, among other severe violations.

Procedure:

- ① The worker communicates the situation to the human resources department or the ranch foreperson, excluding the foreperson if they are implicated in the situation.
- ② The worker reports the situation through the CIERTO application, over the phone, or by accessing **CiertoApp**. This platform is supervised by trained personnel responsible for handling complaints or grievances.
- ③ CIERTO will make every effort to ensure the worker's well-being and will promptly notify the appropriate authorities to secure the worker's safety. Furthermore, CIERTO will guide the worker on the process of filing a legal case if necessary, or direct them to the relevant authorities for assistance., or severe





United States

Tacoma WA: PO Box 8295 Tacoma, WA 98419

Yuma AZ: 3860 W. 24th St. Suite 106, Yuma AZ 85364



928-248-5558



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