



International
Labour
Organization

Fair recruitment initiative

Fostering Fair Recruitment Practices, Preventing Human Trafficking and Reducing the Costs of Labour Migration



The context



In today's globalized economy, workers are increasingly looking for job opportunities beyond their community or home country and the recruitment and employment of workers across global supply chains are ever more common. In addition, millions of workers migrate within their own country in search of decent work. Private employment agencies, when appropriately regulated, play an important role in the efficient and equitable functioning of labour markets.

However, concerns have been raised about the growing role of unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework that prey especially on low-skilled workers. Reported abuses involve one or more of the following: deception about the nature and conditions of work; retention of passports; deposits and illegal wage deductions; debt bondage linked to repayment of recruitment fees; threats if workers want to leave their employers, coupled with fears of subsequent expulsion from a country. A combination of these abuses can amount to human trafficking and forced labour. Despite the existence of international labour standards relating to recruitment, national laws and their enforcement often fall short of protecting the rights of workers, and migrant workers in particular.



There are 231.5 million international migrants
and **740 million internal migrants**

Most are migrating in search of decent employment



21 million people are in forced labour and trafficked globally

Of the total figure, 9.1 million people (44%) moved either internally or internationally for work



Migrant workers who **borrow money from third parties**
face an increased risk of being in forced labour

In response to those challenges, the International Labour Organization (ILO) has launched a global “Fair Recruitment Initiative” (ILO-FAIR) to:

- help prevent human trafficking
- protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process
- reduce the cost of labour migration and enhance development gains

This multi-stakeholder initiative is based on the below **four-pronged approach**, which puts social dialogue at the centre, and is implemented in close collaboration with governments, representative employers' and workers' organizations, the private sector and other key partners.

Enhancing global knowledge on national and international recruitment practices

ILO-FAIR will undertake studies related to recruitment along migration corridors and in labour intensive sectors on:

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- existing regulations and case law
 - **economic determinants** of informal/formal recruitment and cost monitoring
 - good practices and **the business case**
 - alternative options for matching employers and job seekers: not only via private recruitment agencies, but also via public placement agencies and directly through accredited employers

Strengthening laws, policies and enforcement mechanisms

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- ILO-FAIR will support a **promotional campaign** in collaboration with workers' and employers' organizations for the **ratification of key Conventions**, including the Private Employment Agencies Convention, 1997 (No. 181)
 - In pilot countries, it will support **capacity building of legislators** on how to better regulate the industry. Training tools will be offered to **labour inspectors, and other enforcement authorities** on how to strengthen enforcement mechanisms
 - Efforts will be made to ensure the **sharing of good practices**, including a compilation of regulatory and enforcement models that have demonstrated a measurable impact in reducing human trafficking and irregular migration
 - The longer term objective is to ensure the following are in place: **legislation to regulate recruitment**, including licensing and monitoring mechanisms, **complaints mechanisms and effective access to remedies** such as compensation, **support services** as well as enhanced **collaboration between private employment agencies and public employment services**



Promoting fair business standards and practices

- Based on ILO standards and established good practices, ILO-FAIR will facilitate global stakeholder consultations, led by social partners (e.g. IOE, ITUC/affiliates, and CIETT), to **map existing tools** that include detailed guidance and **benchmarks on fair recruitment**, especially with regards to cross-border recruitment
- This **may include the development of an easy-to-use online platform** to help stakeholders access international standards, tools and good practices. The platform will take into account legally binding and non-binding international standards, the UN Guiding Principles on Business and Human Rights, CIETT's Code of Conduct, the European Commission's sectoral guide for employment and recruitment agencies and other business guidance tools developed by NGOs
- **Business models that are based on due diligence procedures will be tested** in a number of pilot countries and sectors and results disseminated

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Empowering and protecting workers

- ILO-FAIR will support the compilation and promotion of **good practice examples of social dialogue mechanisms** that have effectively addressed unfair recruitment practices. This includes:
 - sound labour-management relations
 - consultations at national, regional and global level
 - creation of complaint and remedy mechanisms at national level
- **Assistance will be provided to trade unions, their affiliates as well as key civil society actors** to support the functioning of protection mechanisms and to provide information, services and collective representation to migrant workers

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2014 - 2015

2016 - 2017

- At least 4 Fair Recruitment Initiative consultative meetings organized
- Research looking at internal and cross-border recruitment practices, regulation and enforcement in at least 10 countries
- Publication of a major research report summarizing current knowledge of global recruitment practices, regulatory challenges as well as challenges for workers and employers, including a compilation of "good practices". It will be launched at a global conference organized in collaboration with partner agencies
- Representative employers' and workers' organizations, and at least 50 private employment agencies and business associations are actively involved in the initiative and publicly support the "benchmarks"
- Pilot models of fair recruitment are tested and can be replicated
- Research looking at the performance of prevention and resolution mechanisms, complaints and grievance mechanisms piloted and lessons learnt documented

➤ Laws and policies in at least 5 countries are revised to strengthen effective measures against abusive recruitment practices

➤ At least 300 enforcement officers are trained and/or are actively involved in mentoring programmes

➤ Effective complaints and grievance mechanisms are established at country and regional level, and are supported by workers' organizations

➤ An increasing number of non-compliant private employment agencies/agents are held accountable and subject to effective penalties

➤ Evaluation studies indicate a significant decrease of abusive recruitment practices in source and destination countries, and an increase of benefits for (migrant) workers and employers

➤ At least 100 private employment agencies and business associations are actively involved in the initiative

Targets

The ILO's Comparative Advantage

The ILO is uniquely placed to undertake work on fair recruitment. The ILO's Private Employment Agency Convention, 1997 (No. 181), and Recommendation, 1997 (No. 188) provide international standards for fair and decent labour recruitment practices, while ILO's Fundamental Principles and Rights at Work lay out key pillars for the prevention of abuses, including the abolition of forced labour. In June 2014, the International Labour Conference adopted a Protocol to ILO's Forced Labour Convention, 1930 (No. 29), and a Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour.

Since 1919, the ILO is working to ensure the "protection of the interests of workers when employed in countries other than their own" (ILO Constitution). International labour standards specifically protecting migrant workers, namely the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and their accompanying Recommendations No. 86 and 151, contain important provisions relating to recruitment processes across borders. These are supported by the 2006 ILO Multilateral Framework on Labour Migration, which contains non-binding principles and guidelines for a rights based approach to migration, including in relation to recruitment. Cumulatively, all of these instruments play a critical role in creating a level playing field with regards to the recruitment and placement of workers, notably across borders.

The ILO, as the Chair of the Global Migration Group (GMG) for 2014, is placing labour migration at the forefront of its Decent Work Agenda, including fair recruitment. At the ILO's Tripartite Technical Meeting on Labour Migration, held in November 2013, participants urged the Office "to develop guidance to promote recruitment practices that respect the principles enshrined in international labour standards, including the Private Employment Agencies Convention, 1997 (No. 181), and identify, document, and promote the exchange of good practices on reducing the financial and human costs of migration".

For many decades, the ILO has provided technical support at the national and regional level for the design and adoption of sound national policies to regulate recruitment, especially in Asia. ILO-FAIR provides an overarching framework to these operational country-level activities and seeks to enhance their impact and scalability.

Relevant sections in the new ILO instruments

June 2014

Measures to be taken for the prevention of forced or compulsory labour shall include:

- protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process
- supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour

Protocol to ILO's Forced Labour Convention, 1930 (No. 29), Article 2 (d) and (e).

Members should take the most effective preventive measures, such as:

- targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need
- promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies

...Including specific measures to prevent abuses and investigate fraudulent practices to:

- ensure that recruitment fees or costs are not charged directly or indirectly to workers
- require transparent and written contracts that clearly explain terms of employment and conditions of work, in a language understood by the worker
- establish adequate and accessible complaint mechanisms
- impose adequate penalties
- implement mechanisms for the effective regulation and monitoring of these services
- provide support to businesses to identify, prevent and mitigate the risks of forced labour in their operations or in products, services or operations to which they may be directly linked

Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour, Section 4 (b), (i) and (j); Section 8.

Partner strategy

ILO social partners and their affiliates play a central role in the design and implementation of this initiative. They include:

- ➔ International Trade Union Confederation (ITUC) and affiliates
- ➔ International Organisation of Employers (IOE) and affiliates
- ➔ International Confederation of Private Employment Services (CIETT)



ILO-FAIR is closely coordinated with the GMG and the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) agencies, in particular IOM, World Bank, OHCHR and UNODC. The Institute for Human Rights and Business (IHRB), Verité, Migrant Forum Asia and other civil society organizations are also implementing partners.

The initiative is currently supported by the UK Government (Department for International Development), the US Government (State Department and Department of Labor) and the Canadian Government (Foreign Affairs, Trade and Development Canada).

Special Action Programme to Combat Forced Labour (SAP-FL)

Fundamental Principles and Rights at Work Branch (FPRW)

Tel. +41 22 799 63 29

forcedlabour@ilo.org

www.ilo.org/forcedlabour

International Labour Office
Route des Morillons, 4
CH – 1211 Geneva 22, Switzerland

Labour Migration Branch (MIGRANT)

Tel. +41 22 799 66 67

migrant@ilo.org

www.ilo.org/migrant