



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 home country in search of decent working conditions. In addition, millions of workers migrate internally. Public and 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 232 million international migrants and 740 million internal migrants



Most are migrating in search of decent employment and a better livelihood



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



The response

In response to those challenges, the International Labour Organization (ILO) launched in 2014 a global "Fair Recruitment Initiative" to:

- help prevent human trafficking and forced labour
- protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process (including pre-selection, selection, transportation, placement and safe return)
- reduce the cost of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination

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



Our approach

1

Enhancing global knowledge on national and international recruitment practices

The Fair Recruitment Initiative will undertake studies related to recruitment along migration corridors and in labour intensive sectors on:

- good practices of **laws, policies and enforcement mechanisms**, including a compilation of regulatory and enforcement models that have demonstrated a measurable impact in reducing human trafficking and irregular migration
- **economic determinants** of informal/formal recruitment and - measurement of recruitment costs
- **alternative options** to private employment agencies, including via public employment agencies, workers' cooperatives and directly through accredited employers, with tripartite and bipartite supervision



Improving laws, policies and enforcement to promote fair recruitment

2

- The Fair Recruitment Initiative will develop **practical guidance on fair recruitment** derived from internationally recognized human rights and labour standards
- A **promotional campaign** will be undertaken for the ratification of key Conventions, including ILO fundamental conventions, the Migration for Employment Convention (Revised), 1949 (No. 97) and its accompanying Recommendation (No. 86), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and its accompanying Recommendation (No. 151), the Employment Service Convention, 1948 (No. 88) and the Private Employment Agencies Convention, 1997 (No. 181)
- In pilot countries, it will also support **capacity building of legislators** on how to better regulate public and private employment services. Training tools will be offered to **labour inspectors, and other enforcement authorities** on how to strengthen enforcement of recruitment norms and policies
- The longer term objective is to ensure the following are in place: **legislation to regulate recruitment**, including licensing and monitoring mechanisms, **complaints mechanism and effective access to remedies** such as penal pursuit for serious rights' violations and adequate compensation, **support services**, stable employment relationships as well as enhanced **collaboration between private and public employment agencies**.



3

Promoting fair business practices

- The Fair Recruitment Initiative will convene global and regional stakeholder consultations, led by the social partners (e.g. IOE, ITUC), to **map existing tools** that include detailed guidance on fair recruitment, especially cross-border recruitment
- The initiative will develop an **easy-to-use online platform** to help stakeholders access international standards, practical tools, and good practices
- It will also support and test models that undertake **human rights due diligence** in a number of pilot countries and sectors, and will disseminate their results



Empowering and protecting workers

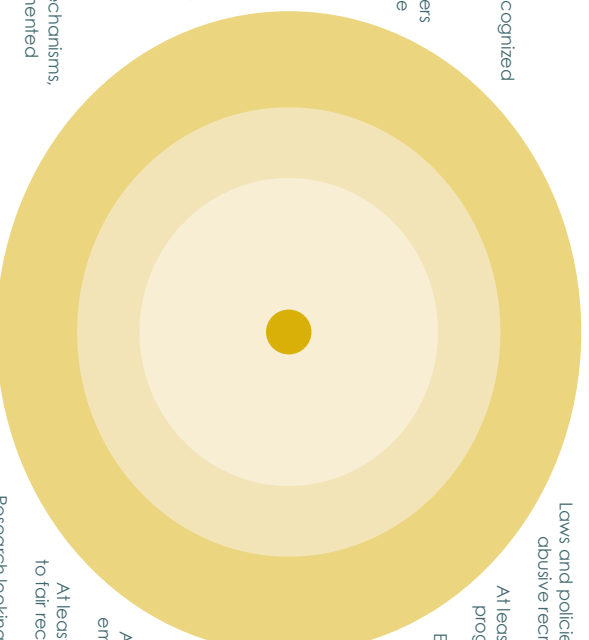
- The Fair Recruitment Initiative will support the compilation and promotion of **good practice examples of social dialogue mechanisms** that have effectively addressed unfair recruitment practices. This includes:
 - mature industrial relations systems
 - early warning information sharing and consultations in reference to action at national, regional and global level
 - creation of complaint and remedy mechanisms at national level
- **Assistance will be provided to trade unions and their affiliated organizations** to support the organisation of migrant workers and the protection of their rights
- The initiative will support the **collaboration of trade unions and civil society actors** through interventions in individual cases and assistance, creation of alliances to conduct campaigns for structural change in the recruitment process and provision of training to key stakeholders

4

2015 - 2016

2017 - 2018

- At least 4 Fair Recruitment Initiative consultative meetings organized
- ILO guidance on fair recruitment developed, based on internationally recognized human rights and labour standards
- Research looking at strategies to reduce recruitment costs for migrant workers undertaken in collaboration with the World Bank's Global Knowledge Partnership on Migration and Development (KNOMAD)
- Publication of a major research report summarizing current knowledge of global recruitment practices, regulatory and enforcement challenges as well as issues faced by workers and employers
- Representative employers' and workers' organizations, and at least 50 public and private employment agencies and business associations actively involved in the initiative and publicly support the ILO guidance
- Pilot models of fair recruitment designed and tested
- 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 actively involved in established programmes

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

➤ An increasing number of non-compliant private employment agencies/agents held accountable and convicted, according to improved laws and regulations in two countries in which the ILO has provided policy advisory services

➤ At least 4 national trade unions provide services to migrant workers victim of abusive recruitment practices

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

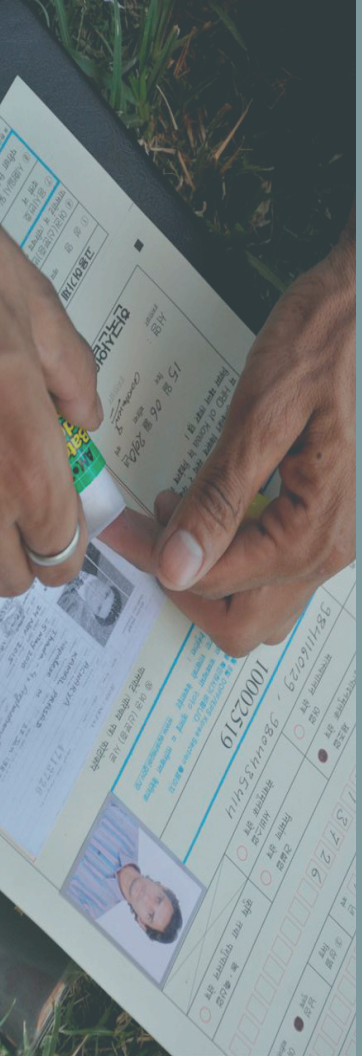
➤ At least 100 private employment agencies, business associations, and public employment services, actively involved in the initiative

➤ At least 30 media professionals are trained on international labour standards related to fair recruitment and use this knowledge in their investigations and news production
➤ Research looking at labour supply chain to identify areas of risks during the recruitment process published

Targets

The ILO's Comparative Advantage

As a **standard setting organization**, the ILO is uniquely placed to undertake work on fair recruitment. Among others, the ILO's Private Employment Agency Convention, 1997 (No. 181), and Recommendation, 1997 (No. 188) as well as the Employment Service Convention, 1948 (No. 88) provide international standards for fair and decent labour recruitment practices, while ILO Declaration on 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.



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. The ILO Tripartite declaration of principles concerning multinational enterprises and social policy also offers important guidance for employers. These instruments are supported by the 2006 **ILO Multilateral Framework on Labour Migration**, which contains non-binding principles and guidelines for a right's based approach to labour 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 is placing labour migration at the forefront of its Decent Work Agenda, including fair recruitment. At the International Labour Conference in 2014, the ILO Director General proposed a global **Fair Migration Agenda**, and made fair recruitment one of its main pillars. On this occasion, he highlighted the "growing international concern about abusive and fraudulent recruitment practices affecting migrant workers in particular and issues of human trafficking and forced labour". The ILO also succeeded in linking the Fair Recruitment Initiative to the work of the Global Migration Group (GMMG), which was chaired by the ILO in 2014 (in particular under the auspices of its Task Force on Migration and Decent Work).

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. The Fair Recruitment Initiative 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 on forced labour, adopted in 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 regulator and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies
- guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked

Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), Section 4 (b), (i), (j)



...including specific measures to prevent abuses and investigate fraudulent practices of private employment agencies and abolish informal labour recruitment 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

Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), Section 8



Partners

The Fair Recruitment Initiative is a multi-stakeholder endeavour. ILO social partners and their affiliates play a central role in its design and implementation. They include:



International Trade Union Confederation (ITUC) and affiliates



International Organisation of Employers (IOE) and affiliates,
in particular the International Confederation of Private Employment Services (CIETT)

The Fair Recruitment Initiative is implemented in close coordination 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 in Asia, Panos Europe Institute 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), the Canadian Government (Foreign Affairs, Trade and Development Canada), and the Australian Government (Department of Foreign Affairs and Trade).



International Labour Organization

www.ilo.org/fairrecruitment

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