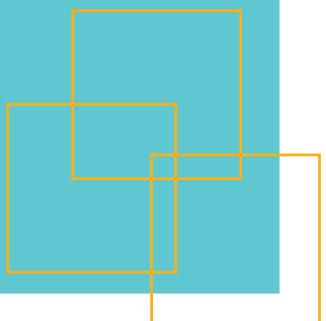


## For a fee

The business of recruiting  
Bangladeshi women for domestic work  
in Jordan and Lebanon

**F**air recruitment initiative



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# FOR A FEE

The business of recruiting  
Bangladeshi women for domestic  
work in Jordan and Lebanon

Katharine Jones

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## Preface

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Fundamental principles and rights at work are at the core of ILO's decent work agenda. The ILO Declaration on Fundamental Principles and Rights at Work and its follow-up was adopted by governments, workers and employers at the International Labour Conference in 1998. The principles and rights enshrined in the 1998 Declaration – the elimination of child labour, forced and compulsory labour, discrimination at work and respect for freedom of association and collective bargaining – are recognized as universal human rights.

The Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) provides leadership and knowledge to sustain and accelerate progress towards the full realization of those rights worldwide. A central component of its integrated Strategy (2015-2020) is to further enhance global understanding of effective policies in order to build a solid human rights and business case for the promotion of fundamental principles and rights at work. The strategy recognizes the importance of research on labour recruitment and employment practices as a basis for more effective laws and policies to prevent violations of fundamental rights at work.

This working paper has been published as part of ILO's Fair Recruitment Initiative which was announced by the Director-General at the International Labour Conference in 2014. This multi-stakeholder initiative is implemented in collaboration with the ILO's Labour Migration Branch (MIGRANT) and many international, regional and national partners. As such, it is also an integral part of ILO's Fair Migration Agenda which seeks to broaden choices for workers to find decent work at home and abroad, with full respect of their human and labour rights.

A central pillar of the Fair Recruitment Initiative is to advance and share knowledge on policies, laws, emerging practices and challenges related to the recruitment of workers within and across countries. We hope that this working paper will stimulate debate and further discussion on effective action to foster fair recruitment practices, prevent human trafficking and reduce the costs of labour migration.

We would like to thank Katharine Jones for this important piece of research. Thanks are also extended to the United Kingdom Department for International Development (DFID) which administered and supported this research. The ideas, opinions and comments within this publication are entirely the responsibility of its author and do not necessarily represent the views or policies of DFID or the International Labour Organization.

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Fundamental Principles and Rights Branch

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Labour Migration Branch

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## Acknowledgements

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This study was prepared in the context of the ILO's Work in Freedom programme (WIF), which promotes fair recruitment of women and girls from South Asia and thus contributes to the prevention of human trafficking in this region and in the Middle East.

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With gratitude to all those who have contributed to this report through conducting interviews, commenting on early drafts of the report, and guiding the author in analysis, including Ms. Leena Ksaifi, Professor Abul Barkat PhD (HDRC), Dr. Rafique Abdur, Sk. Ali Ahmed (HDRC) and Rami T. Asrawi.

Last, but not least, with thanks for all the assistance and support provided by ILO staff, including: Beate Andrees, Leanne Melnyk, Alix Nasri, Caroline O'Reilly, Peter Swiniarski (FUNDAMENTALS), Zulum Avila (CEPOL), Hans Van de Glind (ROAS), Bharati Pokharel, Bina Kunwar Thapa (CO-Kathmandu), Igor Bosc and Bharti Birla (CO-New Delhi).

The realization of this research project was made possible through funding from the United Kingdom Department for International Development (DFID).

## List of Acronyms

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<b>BAIRA</b>	Bangladesh Association of International Recruiting Agencies
<b>BMET</b>	Bangladesh Bureau of Manpower and Training
<b>DFID</b>	United Kingdom Department for International Development
<b>ILO</b>	International Labour Organization / Office
<b>NGO</b>	Non-government Organization
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>SAP-FL</b>	Special Action Programme to Combat Forced Labour
<b>US</b>	United States
<b>US\$</b>	United States Dollars (\$)

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## Glossary<sup>1</sup>

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Term	Definition
<b>Labour Recruiter</b>	The term “labour recruiter” as expressed in the Forced Labour (Supplementary Measures) Recommendation, No 203, can refer to both private and public entities that offer labour recruitment services. Private entities can take many forms: formal (e.g. registered under commercial or other law) or informal (not registered), profit-seeking (e.g. fee-charging agencies) or non-profit (e.g. trade union hiring halls).
<b>Private Employment Agencies</b>	Private employment agencies fall within the definition of labour recruiters. In particular, they are defined by ILO Convention No. 181 as “a natural or legal person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships that may arise therefrom; (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a “user enterprise”) that assigns their tasks and supervises the execution of these tasks; (c) other services relating to job-seeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.” (Art. 1.1).
<b>Migrant Worker</b>	As per the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families definition, a migrant worker is “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national”.
<b>Domestic worker</b>	According to the ILO Domestic Workers Convention of 2011 (No. 189), a domestic worker is “any person engaged in domestic work within an employment relationship.” “Domestic work” is “work performed in or for a household or households.” It may involve a range of tasks, including cooking, cleaning the house, washing and ironing the laundry, general housework, looking after children, the elderly or persons with disabilities, as well as maintaining the garden, guarding the house premises, and driving the family car.

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<sup>1</sup> This Glossary only contains definitions that are provided in international standards.

Term	Definition
<b>Trafficking in Persons</b>	<p>Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>
<b>Forced Labour</b>	<p>The ILO Forced Labour Convention (No. 29) of 1930 defines forced or compulsory labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The Protocol of 2014 to the Forced Labour Convention reaffirmed this definition, and stressed the need for “specific action against trafficking in persons for the purposes of forced or compulsory labour.”</p>

## 1. Introduction

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Since the mid-1990s, the number of domestic workers employed in private households has tripled to more than 53 million worldwide.<sup>2</sup> Young women and girls recruited from low income to richer countries most often perform this labour, which can encompass cooking, cleaning, laundry and shopping; caring for children, the elderly, persons with disabilities and pets; gardening; driving; and other tasks.<sup>3</sup> The Middle East has become an especially important destination, with levels of demand for domestic help rising significantly over the past 20 years. Exploitation of migrant domestic workers – who are almost always women – is well documented. Abuses range from low pay and poor employment conditions to egregious violations of human and labour rights, such as forced labour, and physical and sexual violence.<sup>4</sup> While the responsibility of employers in such cases may be incontrovertible, the specific contribution of the individuals and businesses that recruit and place migrant domestic workers is far less documented. Still less known is how to effectively tackle recruitment abuses.

This study aims to shed light on the industry that profits from the recruitment of women from South Asian countries into domestic work employment in the Middle East, with a particular focus on Bangladesh, Jordan and Lebanon. It analyses the ‘business model’ utilised by labour recruiters to generate income and profit and to minimize risk and loss. In the case of international recruitment, in order to profit, recruiters must devise competitive strategies to generate income greater than the costs of finding, selecting, processing and mobilising people into jobs.<sup>5</sup> By illuminating how and why such recruiters do what they do, the study aims to inform better policies and interventions to protect migrant domestic workers and eliminate abusive recruitment and employment practices.

Private householders in both Jordan and Lebanon started recruiting migrant domestic workers in large numbers in the 1980s and 1990s, mostly on a “live-in” basis.<sup>6</sup> Officially, Jordan hosts some 70,000 migrant domestic workers, with an estimated twice that number employed unofficially,<sup>7</sup> while Lebanon hosts over 250,000 migrant women domestic workers.<sup>8</sup> Bangladeshi women currently comprise the largest nationality group of migrant domestic workers in both countries.<sup>9</sup> According to Bangladesh government data, in 2014, 76,007 Bangladeshi women migrated overseas – an increase of 174 per cent from 2011 –, including to Jordan and Lebanon, with the majority leaving for domestic work employment.<sup>10</sup>

Labour recruiters are part of an increasingly powerful migration industry that has grown in size and profitability since the mid-1990s, in line with the rise in international labour migration.<sup>11</sup> In Lebanon, in 1997 there were 12 legally operational (licensed) labour recruiters with an estimated 100 or more conducting business illegally.<sup>12</sup>

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<sup>2</sup> ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection*. ILO Conditions of Work and Employment Branch (Geneva, 2013) Available at: [http://www.ilo.org/wcms5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_173363.pdf](http://www.ilo.org/wcms5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf) The ILO estimates that 83 per cent of domestic workers are female. The estimated 53 million does not include child domestic workers. See <http://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm>

<sup>3</sup> The Domestic Work Convention, 2011 (No. 189) defines a domestic worker as any person engaged in domestic work within an employment relationship. For an overview of different tasks involved in domestic work see B. Anderson: *Doing the Dirty Work? The global politics of domestic labour* (London, Zed Books, 2000)

<sup>4</sup> See for example H. Harroff-Tavel and A. Nasri: *Tricked and trapped: human trafficking in the Middle East*, (Beirut, ILO, 2013); A. Pande: “The Paper you have in your hand is my freedom: Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon”, *International Migration Review* (2013, Vol. 47, Issue 2, June), pp. 414-441; E. Frantz: “Jordan’s Unfree Workforce: State-Sponsored Bonded Labour in the Arab Region”, in *The Journal of Development Studies* (2013, Vol. 49, Issue 8, April), pp. 1072-1087 ; K. Hamill: “Trafficking of Migrant Domestic Workers in Lebanon. A Legal Analysis. (Beirut, KAFA, 2011)

<sup>5</sup> Applying a business model approach is becoming more common in attempts to understand how and why private sector firms engage in forced labour practices. E.g. see “Analysing the business model of trafficking in human beings to better prevent the crime”, OSCE and UN Gift joint report, 2010 and J Allain et al.: “Forced Labour’s Business Models and Supply Chains”, Joseph Rowntree Foundation, 2013.

<sup>6</sup> Frantz, *op. cit.*, pp.1072-1087

<sup>7</sup> See Jordan Ministry of Labour Statistics [http://www.dos.gov.jo/dos\\_home\\_e/main/](http://www.dos.gov.jo/dos_home_e/main/)

<sup>8</sup> ILO Website: Countries covered – Lebanon, (n.d.), available at: <http://www.ilo.org/beirut/countries/lebanon/lang--en/index.htm> [accessed 4 June 2015].

<sup>9</sup> According to interviews conducted with government respondents in both Jordan and Lebanon during the early part of 2014.

<sup>10</sup> See BMET website <http://www.bmet.gov.bd/BMET/statisticalDataAction> [accessed 4 June 2015]

<sup>11</sup> Introduction. The Migration Industry and the Commercialisation of International Migration. T. Gammeltoft-Hansen and N N. Sorensen (eds) 2012. Routledge London.

<sup>12</sup> See Ray Juredini, 2003, The Failure of State Protection: Household Guest Workers in Lebanon. In *European Review of International Migration*, vol 19; 3. Pp95-127

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As of 2013, there were more than 543 registered domestic work recruiters.<sup>13</sup> Globally, the industry is composed of an increasingly complex web of private sector actors, which includes recruiters and their sub-agents, pre-departure training centres, transport companies and travel agencies, medical screening centres, insurance companies and visa consultancies among many others. All these businesses profit from the recruitment of (migrant) workers from one country and their placement into jobs in another.

The ILO has long been concerned with protecting the rights of migrant workers. Basic standards are set out in the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and their accompanying Recommendations. The Private Employment Agencies Convention, 1997 (No. 181) establishes international standards for public regulation of private employment agencies. The Domestic Workers Convention, 2011 (No. 189) sets standards for decent work for domestic workers, including ground rules for their recruitment and terms and conditions of employment.

Adopted most recently, the Protocol of 2014 to the Forced Labour Convention (No. 29), 1930, and its accompanying Recommendation (No. 203) sets additional standards relating to the prevention of forced labour and human trafficking, and protection and remedy for victims. It includes specific measures to ensure that recruitment fees or costs are not charged to workers and that adequate complaint mechanisms exist.<sup>14</sup> The Protocol complements Convention No. 29 (1930) under which States undertake to suppress the use of all forms of forced or compulsory labour. Taken together, these Standards (along with the other fundamental Conventions) provide for a comprehensive set of international protections for migrant workers. These protections extend to the most vulnerable categories of workers, including women migrant domestic workers. They have been supplemented with non-binding guidance on regulating recruitment in the Multilateral Framework on Migration, 2006.<sup>15</sup>

The ILO fulfils its mandate to address the human and labour rights of migrant domestic workers through a tripartite structure comprising representatives of governments, and employers' and workers' organisations. This places the Organization in a unique position to provide assistance for international and national efforts to combat exploitation arising out of the recruitment process. Accordingly, in 2014, the ILO started consultations on a global "Fair Recruitment Initiative", in collaboration with partner organisations, with the specific aims of: addressing regulatory and enforcement gaps in the governance of the recruitment industry; promoting ethical business behaviour by working closely with the industry and other stakeholders; and promoting social dialogue and strengthening the global knowledge base on what works in recruitment regulation. One component of the Fair Recruitment Initiative is focused on tackling abuses perpetrated against migrant women recruited from South Asia to the Middle East.<sup>16</sup>

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<sup>13</sup> Interview with key informant from industry association, March 2014.

<sup>14</sup> Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), Section 8

<sup>15</sup> The Framework emerged out of a 2004 Resolution at the 92nd session of the International Labour Conference on a fair deal for migrant workers within the global economy, which called for an ILO Plan of Action on Labour Migration. The Framework was devised by a tripartite meeting of experts, and the ILO Governing Body at its 295th session in March 2006 decided that it should be published and disseminated. [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_146243.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_146243.pdf).

<sup>16</sup> See [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_320405.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_320405.pdf).

<sup>17</sup> The program has also partnered with the London School of Hygiene and Tropical Medicine.

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For the study, a team of researchers coordinated by the author of the report conducted 141 interviews with labour recruiters, sub-agents (often known in Bangladesh as dalals), government officials, trade union and civil society representatives and international organisation staff in the three countries (Bangladesh, Jordan and Lebanon).<sup>18</sup> An additional 15 interviews were conducted with Bangladeshi women who had returned from domestic work employment in Jordan and Lebanon. An extensive desk review was used to supplement and validate the empirical data.<sup>19</sup> For the purpose of clarity, refer to the Glossary which defines the terms used in this report.

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<sup>18</sup> An additional 52 interviews were conducted in Nepal and India. The data from these interviews has not been included in this report as there is minimal labour recruitment from these countries into domestic work in Jordan and Lebanon.

<sup>19</sup> Further detail of the research methodology, including definition of terms used in the report, is provided in Appendix 2.

## 2. Regulating recruitment in Bangladesh, Jordan and Lebanon

Recruitment business models are dynamic and especially sensitive to national laws, policies and regulations, including how well these are enforced. Regulation impacts labour recruiters in many ways, including at a minimum: the legal status of their business and operations, whether they can operate in other countries, which sectors they can operate in, and whether they can charge fees to their recruits. International recruitment business models are also extremely responsive to immigration and emigration regulations as negotiating these forms the core of their business. Table 1 sets out the key legislation and associated rules and regulations that currently govern the international recruitment industry operating between Bangladesh, Jordan and Lebanon.

*Table 1: Laws, regulations and policies governing international recruitment of domestic workers*

Bagladesh	Overseas Employment and Migrant Act, 2013 and associated Rules
	Regulation no 12/2015. Regulation on organizing the private agencies for recruitment of non-Jordanian domestic workers.
Jordan	Regulation No. 90/2009. Of Domestic Workers, Cooks, Gardeners and Similar Categories.  Memorandum of Understanding between Jordan and Bangladesh, 2012
Lebanon	Order number 1/1, governing the work of placement agencies, 2011

These laws and regulations set the overall parameters within which labour recruitment business models can legally operate in and between each country.

In all three countries, labour recruiters and employment agencies must apply for and be granted a license to operate. In Jordan and Lebanon, the terms of the license restrict recruiters to providing recruitment services in the domestic work (household) sector. In Bangladesh, recruiters are not restricted to operating in certain sectors, but do require special authorisation to recruit women for overseas employment. According to a government notification regarding female emigration, recruiters in Bangladesh are also only allowed to recruit women aged 25 or older.<sup>21</sup>

Labour recruiters in Jordan and Lebanon are prohibited from charging migrant workers recruitment fees. On the other hand, appropriately licensed recruiters in Bangladesh are legally allowed to charge women migrant worker recruits up to 20,000 BDT (259 US\$).<sup>22</sup>

Both Jordan and Lebanon have implemented regulations, which require recruiters to refund or 'replace' domestic workers in a variety of circumstances. In Jordan, Regulation No. 12 of 2015 requires employers to purchase insurance from any legally licensed company that will cover the householder (employer) for

<sup>20</sup> Only selected provisions are highlighted here.

<sup>21</sup> Bangladesh Gazette Notification No. Prokaboikomo- 5/ a-2/ 2005/1628 Concerning the Migration of Women. Currently only 29 labour recruiters have permission to recruit women, of which 28 are reported to be currently active. The Government of Bangladesh is considering issuing another 100 licences to meet demand arising from its recent (2015) agreement with the Kingdom of Saudi Arabia.

<sup>22</sup> Up to 80,000 BDT (1,036 US\$) can be charged to men.

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financial losses resulting from the worker leaving or ‘refusing to work’. In addition, recruiters are bound to replace domestic workers for employers in three circumstances. Firstly, recruiters must replace those who ‘refuse to work’ for their new employer during the first 30 days at no further cost to the householder and on condition that the original recruit is ‘transferred outside of the country’. Secondly, where a migrant worker fails to arrive in Jordan whether by choice or not, recruiters must provide their employer with a replacement domestic worker at no additional cost. Thirdly, the responsible recruiter must also replace a domestic worker if the employer finds her to be pregnant or are otherwise certified as unfit by the Ministry of Health. However, recruiters are not legally responsible for replacing a domestic worker if employers have caused her to leave their employment, such as in cases where they have assaulted the worker.<sup>23</sup>

Similarly, according to Ordinance No. 1/1 of 2011 in Lebanon, recruiters are also responsible for replacing domestic workers who are unable to “fulfil the tasks required for the job; refuses to work; is pregnant; or absconds from the employer.” The recruiter’s responsibility is extended to six months in cases where the domestic worker suffers from a “contagious disease or a disability that would keep her from performing her job and which did not show in the first three months of employment”.<sup>24</sup>

Immigration regulation also matters. To legally enter Jordan and Lebanon for the purpose of domestic work employment, Bangladeshi women must obtain an entry visa prior to arrival and an ‘advance approval’ work permit. Jordan and Lebanon operate versions of the “kafala” system, under which a national sponsor (kafeel) is legally and financially responsible for her/his migrant domestic worker(s), including her repatriation at the end of the contract. Migrant domestic workers are not allowed to leave their employment or even the country without a notarized release waiver signed by the employer and approved by the authorities. Without up-to-date sponsorship, migrant domestic workers in Jordan and Lebanon are subject to imprisonment, deportation and fines.

Recruiters must also operate according to regulation that governs the employment relationship between householder and domestic workers. According to Regulation No. 90 of 2009, employers in Jordan are required to cover the costs of domestic workers’ residence permits and work permits, purchase an outgoing flight from her origin country to Amman and a return flight at the end of the two-year contract. Householders are also required to sign a standard employment contract of employment in Arabic and in a language that their recruit understands, with copies to be kept by the householder, the worker, the Ministry of Labour and the recruiter.<sup>25</sup> According to the contract, the employer must purchase a return ticket, work and residency permits.<sup>26</sup> Similarly, in Lebanon, a standard employment contract for domestic workers, introduced in 2009 requires employers to purchase the annually renewable residence and work permits and to purchase a return flight.<sup>27</sup>

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<sup>23</sup> Jordan, Regulation No. 12 of 2015 The Regulation of Organising the Private Offices of Recruiting Non-Jordanian House Workers (Articles 13A, 14A, 14B, 15A & 15C-1). Regulation No. 12 of 2015 replaces Regulation No. 89 of 2009.

<sup>24</sup> Lebanon, Ordinance No. 1/1 of 2011 (Article 18).

<sup>25</sup> Regulation 90 of 2009 of Domestic Workers, Cooks, Gardeners and Similar Categories. Official Gazette 2009-10-01. No 4989. P5348. This Regulation also provides that the employer should treat the worker with respect, and supply all basic necessities such as clothing, food, beverage, a well-ventilated and lit room, accommodation and the right to privacy; and that the worker should be enabled to call home once a month at the expense of the householder, and be allowed to make further calls at her own expense, and abstain from taking the worker to another country unless with the approval of the worker. The Regulation also provides for a 10 hour maximum working day, sleep time of no less than 8 hours a day, one day off per week, annual leave (with the possible of deferment to the end of the contract) of 14 days, and sick leave of 14 days per annum.

<sup>26</sup> The contract also requires employers to provide workers with food, lodging, clothing and medical care; to not retain the worker’s passport; that the worker should only work in the employer’s household; that the employer should not place any restrictions on the worker’s ability to communicate with people outside the household; and, that the worker has the right to one day of rest per week.

<sup>27</sup> This contract is in Arabic and in a language the domestic worker understands. Similar to Jordan, the contract entitles workers to a ten hour maximum working day, eight hours of sleep, one day off per week, six days annual leave per year, one paid phone call home per month and access to more if paid for by self, and paid sick leave for half a month and unpaid for a further half.

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In addition to national laws and policies, bilateral (government to government) agreements that set out the terms and conditions for labour migration between two countries have become increasingly common in Asia. As such, in 2012, the governments of Jordan and Bangladesh signed a Memorandum of Understanding (bilateral agreement), in effect opening up the latter as a country from which women aged between 25 and 46 could legally be recruited as domestic workers for households in the former. The governments agreed that the (Jordanian) employers should pay the full cost of recruiting Bangladeshi women, including visa fees and airfare; provide employees with private sleeping quarters and food; purchase a life insurance policy for their employee that covers the entire period of employment; and open a bank account in which her salary should be deposited each month. The governments of Lebanon and Bangladesh have not signed such an agreement, which leaves recruitment between these countries subject only to national regulation and the Standard Unified Contract.<sup>28</sup>

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<sup>28</sup> See Appendix 3.

### 3. The labour recruitment business models in Jordan and Lebanon

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The following sections analyse domestic work recruitment business models based on a total of 39 interviews that were conducted with recruiters (owners or senior employees) in Amman, Jordan and Beirut, Lebanon. As the business of recruiting migrant domestic workers begins in the destination countries, the report first explains the business models of Jordanian and Lebanese labour recruiters. As subcontractors to the Jordan and Lebanon recruiters, the Bangladesh labour recruitment business model is addressed later in the report.

#### a. Key features of recruitment industries in Jordan and Lebanon

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Five key features characterise how labour recruiters in Jordan and Lebanon commonly operate. These features are influenced by the national regulations outlined above.

First, recruiters specialise in domestic work recruitment. Although interviewees in Jordan and Lebanon made some reference to recruiters and unlicensed agents recruiting for other sectors, including hospitality, the apparel industry (Jordan) and construction, it is clear that domestic work recruitment constitutes the bulk of the industry in these countries. This is in accordance with Regulation 12 of 2015, which only legally allows recruiters to hire non-Jordanian domestic workers and not for other sectors.<sup>29</sup>

Second, recruiters in Jordan and Lebanon tend to be micro-enterprises with four or five members of staff; the major multinational recruitment agencies are not present in the domestic work recruitment sector in either country. One explanation behind their absence is that recruitment license-holders (usually owners / Directors) are required by law to be nationals of those countries. In addition, recruiters are required by law to seek permission to open branch offices; as a consequence they mainly recruit for a very local client base.<sup>30</sup>

Third, recruiters in Jordan and Lebanon specialise in the international recruitment and placement of migrant domestic workers in private households. No recruiter interviewed for this study acknowledged recruiting a Jordanian or Lebanese national for a domestic work position.

Fourth, most employers prefer to use the paid services of a recruiter when seeking to employ migrant domestic workers, rather than doing so independently. In Jordan, this is because employers are required by law to use the services of a labour recruiter when recruiting internationally.<sup>31</sup> In Lebanon, employers are legally free to recruit without using the services of a recruiter; however in practice most find it too challenging to do so. Employers in Lebanon who do not use the services of a recruiter are required to deposit a \$1,000 bond with a government bank which acts as surety for the recruit's return flight upon conclusion of the contract.

Fifth, migrant domestic workers recruited by labour recruiters are employed by the householder and not by the recruiter. This is because recruiters cannot legally act as a Kafala sponsor; instead recruiters receive a temporary power of attorney from the employer, which enables them to recruit migrant domestic workers. Moreover, in Jordan, recruiters are prohibited by law from supplying domestic workers for householders other than the employer named as the sponsor, or on a 'per diem' basis.<sup>32</sup> This is with one exception: recruiters in Jordan are allowed to facilitate domestic workers who have 'refused to work' to work for alternative householders for the first 60 days after their arrival.<sup>33</sup> Nevertheless, some recruiters referred to illegal business practices, such as recruiters (whether licensed or unlicensed) hiring out migrant domestic workers by the hour or the day to clean homes or offices beyond the scope of what was legally allowed according to the above. This practice was also witnessed by the researcher during the course of the research.

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<sup>29</sup> Regulation 12 of 2015, Article 7-A

<sup>30</sup> Regulation 12 of 2015, Article 6-A

<sup>31</sup> Regulation 12 of 2015, Article 7-A-3

<sup>32</sup> Regulation 12 of 2015, Article 12-B.

<sup>33</sup> Regulation 12 of 2015, Article 15-D

## b. Labour recruiter's competitive strategies

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Within the parameters established by national regulation, recruiters devise strategies to conduct their business profitably and gain advantage over their competitors. Competitive strategies usually include plans as to how internal resources are deployed (e.g. where offices are established and how many), internal business processes, and how services are priced and marketed, which are formed in response to changes in market demand and worker/skills availability. For recruiters in Jordan and Lebanon, their clients are the employers rather than the domestic workers. The following, in addition to the general recruitment industry features outlined above, form the basis of their business models.

### i. Selection of 'migrant origin' country

The first competitive strategy employed by recruiters involves the selection of origin countries from which to recruit domestic workers. This enables the recruitment of domestic workers of a specific nationality, which may include meeting their clients' prejudices for particular nationalities. Within the 39 (private recruitment agency) study participants, Jordanian recruiters focused primarily on domestic workers from Bangladesh, the Philippines and Sri Lanka. Lebanese recruiters focused on a wider range of origin countries including Bangladesh, Nepal, Sri Lanka (Asia), and from Burkino Faso, Cameroon, Ethiopia, Ghana, Kenya, Madagascar, and Togo (Africa). These origin countries are broadly representative of the mix of domestic worker nationalities in Jordan and Lebanon.

Underlying this competitive strategy are three rationales. First, selecting a particular country of origin gives recruiters access to a labour supply of potential domestic workers. In order to attract clients, recruiters in Jordan and Lebanon must have available a large and attractive selection of 'domestic work candidates' from which clients can make their selection. In Lebanon and Jordan, the imposition of 'recruitment bans' by many countries of origin has left recruiters with a large shortfall in satisfying client demands for domestic workers. Although this study and others have found evidence that such bans do not stop recruitment from those countries entirely, it can slow it down as organising recruitment becomes more difficult.<sup>34</sup> One Lebanese interviewee complained: "We are very limited in what nationality to advise employers on, because [of] so many bans." On the other hand, recruiters in Jordan and Lebanon reported that Bangladesh still provides a plentiful source of migrant domestic workers.

Second, according to some recruiters interviewed, householders often have a preference for hiring domestic workers of specific nationalities. For instance, some Jordanian recruiters reflected during interviews that, given a preference, their clients would prefer to hire domestic workers from Indonesia because most share the same religion (in this case Muslim), and are believed to have a capacity for hard work. According to one recruiter, in 2010 a large number of migrant domestic workers arriving in Jordan were from Indonesia. However, as the Indonesian government subsequently imposed a ban on recruiting domestic workers to Jordan, Jordanian recruiters said they have not been able to (legally) recruit from Indonesia. The 2012 bilateral agreement signed between the governments of Bangladesh and Jordan consequently allowed recruiters to meet their clients' demands for domestic workers from a similar religious background with a reputation for being hard working. In other words, Bangladesh provided an alternative labour supply for recruiters' clients in Jordan and Lebanon.

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<sup>34</sup> See forthcoming study by ILO and Global Alliance Against Trafficking in Women analysing the affects of the Age Ban in Nepal (expected publication date January 2016).

Third, the choice of origin country also influences the cost of recruitment, which is correlated with the level of fees that recruiters in Jordan and Lebanon charge their clients. What they charge employers for recruitment in turn influences their ability to attract new clients. In other words, if fees are seen as too expensive by potential clients, recruiters are likely to lose business; being able to offer cheap fees to employers is a competitive advantage. Employer fees and recruitment costs vary for a variety of reasons including the cost of flights and the fees charged by ‘counterpart’ recruiters in the country of origin. Table 2 records the range in total fees that individual recruiters in Jordan and Lebanon reported charging to employers according to the origin country of domestic workers.

*Table 2: Fees charged to employers by origin country of the domestic worker (in US\$)*

Origin Country	Jordan	Lebanon
Bangladesh	2,100 to 2,500	1,300 to 1,500
Sri Lanka	4,000	3,000
Philippines	3,528 to 5,646	2,500 to 4,500
Ethiopia	None reported	1,900 to 2,300
Kenya	None reported	2,500

Data in the table highlights the fact that recruiters in both Jordan and Lebanon charge less to employers for domestic workers from Bangladesh than for other nationalities. By making available a new country of origin (Bangladesh) through the signing of the bilateral agreement, the Jordanian government actively promoted a reduction of fees charged to employers, which had reportedly risen to unprecedented levels. As Jordanian Labour Minister Maher Wakid argued upon signing the 2012 agreement with the Bangladesh government: “The opening of a new source country should contribute to minimising recruitment costs, which we expect to drop to as low as JD 1,500 (\$2,113) after reaching unprecedented figures up to nearly JD 4,000 (\$5,636).”<sup>35</sup> The distribution of recruitment costs between countries of origin and destination are described in more detail under the section C Profitability and Business Risks.

## ii. Advertising and promoting the recruiter

Another competitive strategy used by recruiters in Jordan and Lebanon is to market their business to a potential client base. This advertising is largely low-cost, with most new business generated by word of mouth from existing clients, colleagues, friends and neighbours.

Recruiter in both countries also engage freelance “samsars / samsaras” (‘brokers’) to find them new clients, paying fees of between 100 to 150 JDs (\$140 to \$210) per introduction. A Jordanian respondent explained: “It is common practice that we rely on people who have good contacts and social skills to find us clients. Another common practice is working with ex-agents who, for one reason or another, closed down but still have a lot of good contacts/data.”

<sup>35</sup> See <http://www.jordantimes.com/news/local/jordan-bangladesh-agree-domestic-help-recruitment> [accessed 16 June 2015]

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Recruiters in Jordan also pay for advertising space in print and broadcast media. One Jordanian recruiter explained which method generated more business for him: “I put one [advert] every week or every two weeks. Most of my clients come to me because they saw my ad, not through referrals. On TV, I put [the advert] three times for [a] duration of three months. But it wasn’t very effective. [A] daily newspaper is the best way as opposed to yellow pages or TV, because these newspapers are distributed to homes and offices.”

The recruitment industry association in Jordan does not, however, allow its members to advertise the price of recruitment, only the services that recruiters offer. The Association argues that this is to prevent migrant domestic workers from becoming treated as commodities, with a price literally ‘on their head’. In reality, it also prevents their members from competing for business on the basis of recruitment fees, which could potentially drive down profits. Lebanese recruiters are legally barred from such formal means of advertising. Nevertheless, recruiters complained during interviews that unlicensed recruiters often do so with little fear of any penalties being imposed.

In addition, recruiters in both Jordan and Lebanon mount displays and signage in their ‘shop-fronts’, advertising the services they offer in an attempt to attract new clients who walk past. Signage is often highly gendered, depicting a woman usually dressed in a maid’s outfit. Signage is also often highly racialised, specifically advertising the nationality/nationalities of its recruits.

### **iii. Personalised ‘job-matching’**

Recruiters in Jordan and Lebanon engage in ‘matching’ potential domestic workers to employers as a competitive strategy. This includes offering personalised advice and expertise to employers when selecting a candidate. In order to select a domestic worker, potential clients enter the recruiter’s office and browse a file of prepared job applications, referred to as ‘bio-data forms’. These forms contain the personal details of women who are already preparing to migrate, including name, age, marital status and prior overseas and domestic employment experience. Profile photographs are attached. Some forms contain additional, more detailed information about the candidate’s experience in different households or caring tasks such as looking after seniors or children, as well as her willingness to undertake specific tasks such as gardening or looking after pets. Employers make their selection on the basis of the forms; no job interviews or further screening are conducted.

In order to help clients find a suitable domestic worker, representatives of labour recruiters ask their clients about the likely tasks she/he will want their domestic worker to carry out. They also ask about the size of the house, the family size and composition, whether the client entertains on a regular basis and whether she/he works outside the home. Recruiters may advise clients to recruit more than one domestic worker if they think that the size of household warrants it, generating another “sale” in the process: “[I]f the house is bigger than 300 to 350 meters I only will work with the client if they agree to employ two domestic workers, unless it is one person living in the house all alone. But if it is a family, the employer needs to hire two” explained one respondent. Recruiters also ask clients if she/he has a preference for a particular nationality, age, or marital status, for a woman<sup>36</sup> from a rural or urban area, and whether the client would prefer their domestic worker to have received any formal education.

Recruiters also reported discussing domestic worker nationalities at some length with their clients; presenting their knowledge about attributes that, according to them, are associated with particular nationalities. Recruiters advise their clients which nationalities are likely to be able to learn Arabic, be obedient, run away or steal, and which nationalities are the most reliable and honest. For instance, a

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<sup>36</sup> According to interviewees, it was taken for granted that the migrant domestic worker would be woman.

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Lebanese respondent advises his clients to hire domestic workers from Bangladesh because they have “long patience and stay at home”. A second recommends Bangladeshi women to his clients because “they are good and calm”, although he also warns them “they have a long hand” and that clients should watch their valuable items. On the other hand, a third advises against hiring Bangladeshi domestic workers as they ‘run away’. Which nationality they recommend to their clients, unsurprisingly, tends to be related to which origin countries they are able to recruit from.

Recruiters also advise their clients about which nationality of domestic worker to hire based on what the client can afford. As a Lebanese respondent put it: “If they have financial constraints, it will have to be a Bangladeshi domestic worker.” In other words, if a recruiter perceives that the client does not have much money, they will advise her/him to recruit their domestic worker from Bangladesh which costs less than recruiting from other countries.

Recruitment agency owners and employees advise their clients on the best ‘age’ of a domestic worker. Respondents argued women between the ages of 25 and 35 make the ‘best’ domestic workers. According to them, women of this age are most physically fit and are consequently better able to manage arduous household tasks.<sup>37</sup> They advise their clients to hire an ‘older woman’ (defined as above 30) if the client has an adolescent boy living at home. This, one interviewee shared, is to try and guard against unwanted or inappropriate personal relations with the domestic worker. On the other hand, recruiters recommend that clients hire younger domestic workers if the client needs a ‘babysitter’ in the belief that young women are better able to play with children.

Providing advice on whether to hire a domestic worker with previous overseas experience is not so straightforward. Prior experience is viewed as a ‘double-edged sword’. On the one hand, interviewees argued, experienced candidates are likely to be better at caring for children, helping the household entertain, and acting as housekeeper if the client is employed outside the home. On the other, they opined there is a greater risk of her ‘running away’ as she is more likely to have friends locally and knowledge about how to get around the city on her own. A Lebanese respondent asserted that, in general: “Employers don’t like to employ someone who has worked in Lebanon before so that she doesn’t come with a social network, demands to leave the house and see friends.”

The personal appearance of domestic workers is also subject to discussion between recruiters and their clients, examined through photographs attached to the bio-data forms. Preferences vary, with some clients wanting ‘pretty’ workers, and others the opposite, especially if there is an adolescent boy in the household. Some prefer ‘thin’ women, believing that thin women will be physically fitter. A Jordanian respondent recounted that her clients even tend to assess whether a woman looks ‘dominant or calm’ on the basis of the photographs.

Ultimately, recruiters enable their clients to make their selection on this highly personalised basis. However, this personalised job-matching process is one-sided. Only to a very limited extent, if at all, do recruiters assess the suitability of their clients as employers, or the appropriateness of the household for a ‘live-in’ migrant domestic worker. This is not part of the service required by the client; neither is it mandatory by law. Only one out of 39 recruiters interviewed in Jordan and Lebanon asks where the candidate will sleep, and this is asked only casually. In other words, if the client did not have separate sleeping accommodation for a domestic worker, this would not be identified nor would it stop the recruiter from providing services to that client.

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<sup>37</sup> However, several of the returned Bangladeshi migrants interviewed had been under the age of 18 when they first left to work in the Middle East, including in Jordan and Lebanon.

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#### **iv. End-to-end recruitment**

The fourth competitive strategy is to offer employers a service that encompasses the entire end-to-end recruitment process. In order to recruit a domestic worker from overseas, householders need only to step through the door of a recruitment office and select their preferred domestic worker on the basis of her bio-data form. From that moment on, the recruiter manages the entire process.

Recruiters organise all the administrative and legal paperwork involved in recruiting a migrant domestic worker. They also offer a range of additional ancillary services to employers, including organising the mandatory health insurance and post-arrival medical tests. Clients need not concern themselves with how recruiters find domestic workers, whether they charge recruitment fees to women, the conditions the recruit may have to endure prior to reaching Jordan or Lebanon, or indeed what recruitment practices they engage in at all. As a Jordanian respondent emphasised: “From A-Z...we do the work permit, visa, residency, medical, insurance, airport pick up. No extra charge: it is all included in the price. All agencies are like that.” In some instances, the entire business may even be conducted electronically, using mobile phone technology, with the client never physically entering a recruitment office.

The speed with which recruiters can complete the full recruitment process is critical; delays are likely to hamper their ability to attract clients and to be paid promptly. Recruiters interviewed said that getting a domestic worker from Bangladesh into Jordan or Lebanon normally takes between 45 and 70 days. Most of this time is taken up with processing the required legal documentation. In order to speed up the process and make their business more attractive to clients who wish to hire a domestic worker more quickly, recruiters in Lebanon commonly offer their clients an expedited (but illegal) service. This involves buying a ‘ready-prepared’, ‘advance approval’ form from individuals who sell these forms from outside the Ministry of Labour in Beirut. This enables the recruiters to coordinate a worker’s arrival far more quickly than they would otherwise be able to do.

The following reproduces verbatim a snippet of conversation recorded by the researcher in a recruitment office in Beirut, between a potential client who had walked into the office and the office secretary:

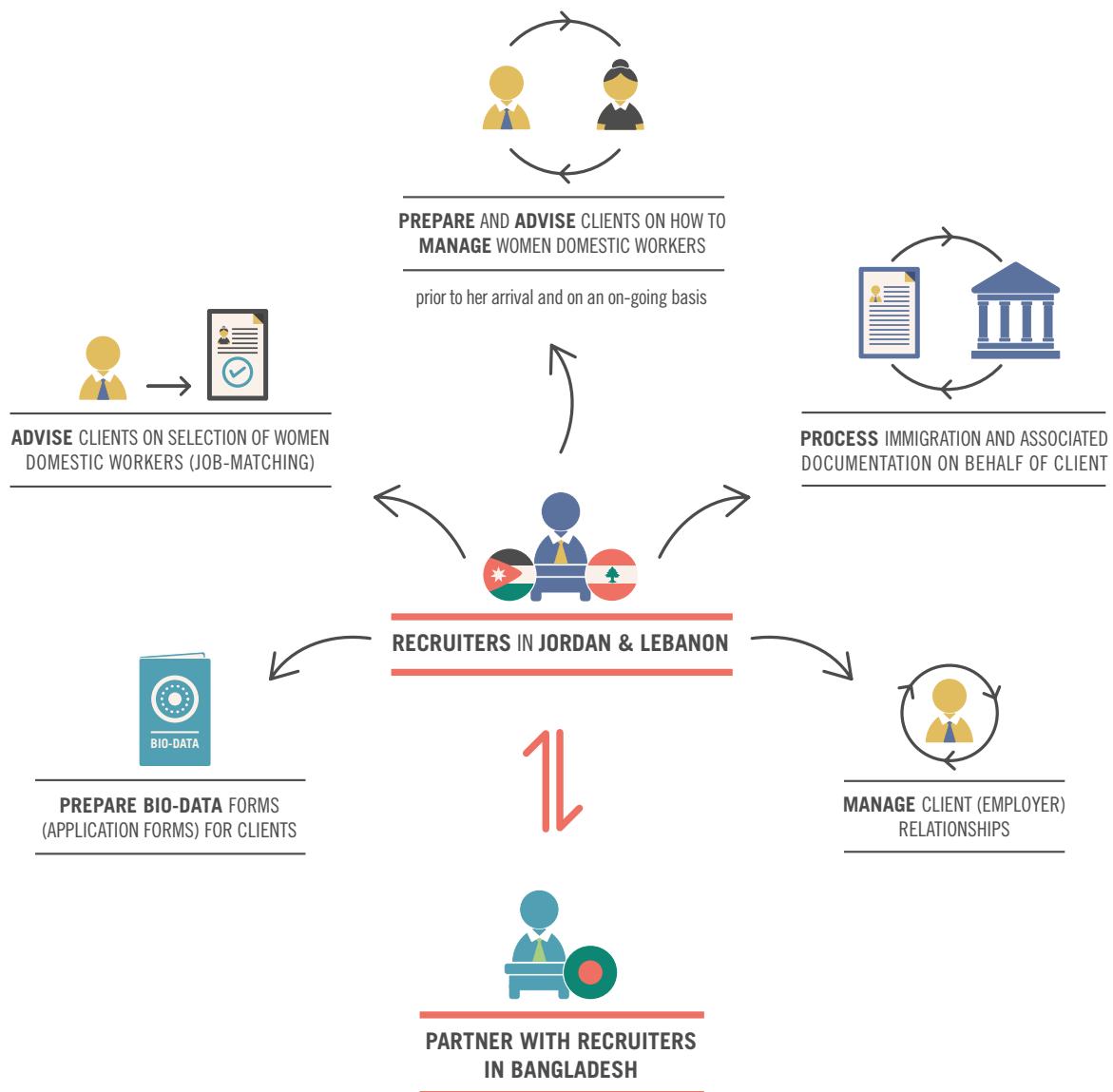
*Client: How long does recruitment need?*

*Secretary: About a month and a half. If you want her before, you need to pay General Security to get [an] expedited visa. The faster you finish the visa, the sooner she comes. Within 15 days...*

#### **v. Outsourcing recruitment to origin country recruiters**

The fifth competitive strategy is to subcontract domestic worker ‘sourcing’ to recruiters based in Bangladesh. Rather than opening overseas branch offices, Jordanian and Lebanese labour recruiters find migrant domestic workers through counterpart recruiters that are licensed in the country of origin. Outsourcing allows recruiters in Jordan and Lebanon to recruit women who live thousands of miles away while avoiding the high transaction costs and administrative challenges associated with the operation of overseas branch offices. Overall, this reduces their recruitment costs, which in turn, reduces the fee, which they charge to the employer.

Recruiters in Jordan and Lebanon operate a relatively strict division of labour with their partners in Bangladesh. This holds true for both long-term and intermittent business relationships. Recruiters in Jordan and Lebanon manage relationships with the ultimate end clients (the prospective employers), and are responsible for processing the required immigration documentation. Recruiters in Bangladesh have no contact with prospective employers, as the recruiters in Jordan and Lebanon are their clients. Instead, they process emigration documentation and prepare the recruit for departure (e.g. facilitating pre-departure training, medical screening and applying for a passport) (see below for how they manage this.)



**Figure 1:** Division of labour – the role of destination country recruiters

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Finding reliable business partners is crucial to the success of recruitment businesses at both ends of the process. Each relies on the other to deliver on ‘their part of the deal’. Most recruitment agency owners interviewed in Jordan and Lebanon had visited Bangladesh to assess potential partners before deciding to work with them. Recruiters reported assessing potential partners primarily on the volume of domestic workers they could provide and how quickly the women could arrive in Jordan and Lebanon. A Jordanian respondent related that he and his colleagues compete over which Bangladesh recruiter to work with, arguing that finding ‘good’ partners are “the secrets of the trade”. Table 3 sets out criteria in the selection process referred to by interviewees. It is notable that no interviewee asked whether potential partners charge recruitment fees to migrants, how they go about finding recruits or how potential partners inform their recruits about the terms and conditions of their employment. How migrant domestic workers will be treated during the recruitment process does not figure in discussions.

**Table 3: Criteria for selection of origin country partners by Jordanian and Lebanese recruiters**

- **Ability to deliver the required number of domestic workers**
- **Speed of recruitment**
- **Ability to communicate, both in English and/or Arabic and via technology such as Skype and Viber**
- **Quality of the recruits (e.g. with experience, training)**
- **Good arrangements for ‘genuine’ medical testing**
- **Willingness to replace domestic workers if the employment breaks down in the first three months (i.e. provision of a guarantee)**
- **Reputation**

#### **vi. Advice on the employment relationship**

The sixth competitive strategy that forms a key part of Jordanian and Lebanese business models is the advice given to their clients on how to ‘manage’ their domestic workers. This includes advice on how much to pay a new recruit and her treatment and cultural adaptation to the ways of her new home. This advice is part of the comprehensive, end-to-end service that recruiters offer clients. As one recruiter put it: “Whatever she [the employer] needs, we can assist her.”

Recruiters advise their clients to pay migrant domestic workers according to their nationality. Bangladeshi women are often paid the least with a monthly salary of approximately \$100 to \$150. Clients may also ask recruiters if they can ‘withhold’ salaries. One client who entered an office while the researcher was present clearly asked the secretary if this was possible:

*Secretary: It is \$1,900 dollars for an Ethiopian; their wage is \$150.*

*Client: Withholding wages, in the contract it is written how many months the wages are withheld?*

The food migrant domestic workers eat, according to recruiters interviewed, features especially strongly in these discussions. A Jordanian respondent recounted that he advises his clients that: “The main problem with Bangladeshi domestic workers is that they don’t like our food. They just like rice and spice. This

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creates a problem. I advise employers to always cook Bangladeshi food when they prepare their own food. I have even given out five kilograms of rice to customers so they really understand the severity of this issue.” Some recruiters also said they had advised their clients about domestic workers’ likely personal hygiene standards and whether on arrival they should take them to a salon to be checked for lice.

According to interviewees, clients ask how many times their new recruit should be allowed to talk to her family and whether she should be allowed her own mobile phone. A Lebanese interviewee advises against allowing frequent calls home, arguing that if the parents of the domestic worker call her frequently, she will remain “emotionally attached to home, will be more likely to be homesick and more inclined to want to go home and therefore more likely to refuse to work”. A Jordanian respondent admitted checking whether the domestic worker had arrived with a mobile telephone. If she has, he takes this from her and gives it to the employer. This, he argued, is justified in order to stop her absconding from her employer which might arise if she becomes homesick from talking to her family: “I take the phone from the domestic worker and give it to the employer. We do this to prevent running away.”

Most significantly, recruiters teach employers how to discourage or prevent their new employees from running away. Some recruiters reported advising employers against letting their employee leave the house on her day off, in case she ‘runs away’. For instance, a Jordanian interviewee shared that she advises employers that they should “give [her] a day off but not outside the house.” Another that: “I advise them [employers] to monitor them [domestic workers] a lot in the beginning and to lock the doors. You can tell if a domestic worker’s eye is always wandering, always on the balcony, then that means she wants to run away.” A third interviewee advised clients that domestic workers can participate in ‘acceptable’ activities, such as visiting relatives or attending religious services, but only after the domestic worker has been in the country for a while.

Some recruiters also brief domestic workers on living and working conditions to expect in their new household. For instance, two Jordanian recruiters reported informing new arrivals about their national ‘customs’ such as their habit of speaking loudly, and sometimes in ‘rough voices’. Similarly, a Lebanese recruiter explains to his recruits that when employers speak loudly, it does not always mean that they are ‘yelling and mad’. A Jordanian respondent commented that he even informs his recruits that Jordanian employers have a ‘tradition’ of locking their doors to prevent domestic workers leaving the house without permission. This, he tells them, is normal practice in Jordan. A Lebanese respondent shared that he tells new arrivals that they should not try to leave the house alone and that if anyone wants to talk to her from the street when she is on the balcony, she should not talk to them.

Recruiters reported that employers do not tend to pay much attention to the standard employment contract they are required to co-sign with their domestic worker employee.<sup>38</sup> A Jordanian interviewee explained: “only 40 per cent [of employers] read it. Those that don’t read it ask me questions about it. I don’t stress that they have to read it; sometimes I make a copy for them to take home. But not every employer takes a copy.” Lebanese respondents made similar remarks. One respondent even asserted that the contract was not actually binding on the employer if she/ he did not want it to be. On the other hand, only one recruiter reported informing employers about the contractual rights of domestic workers: “They have to have a minimum of nine consecutive hours of rest/sleep”, although “whether they stay awake and send SMS, it is their choice.”

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<sup>38</sup> In Lebanon the employment relationship between a domestic worker and employer is governed by a Standard Unified Contract, In Jordan the employment relationship is governed by the Special Working Contract for Non-Jordanian Domestic Workers.

## c. Profitability and business risks

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### i. Income and profits

Recruiters in Jordan and Lebanon generate income from the fees, which they charge to their clients per domestic worker. Clients do not pay up front but are charged a small deposit (maybe as small as \$100) on 'placing their order'. The full fee is only handed over to the recruiter on the arrival of their new employee. Recruiters' profits accrue from the difference between the fee received from the client and the costs incurred during the recruitment process. As set out in Table 1 above, reported client fees range from \$2,100 to \$2,500 in Jordan and from \$1,300 to \$1,500 in Lebanon. Costs incurred by recruiters to manage the process include: i. the 'fixed costs' associated with running a business in Jordan and in Lebanon (e.g. office rent, overheads such as electricity charges, broadband, the fees paid to the samsara/a); and ii. costs associated with recruiting each worker including, costs of processing immigration paperwork and the flight from Bangladesh to Amman or Beirut. In Jordan, recruiters include the paperwork costs in the total client fee; in Lebanon, the employers pay these costs separately, which accounts for the lower client fees paid to recruiters.

Recruiter profitability is directly related to the number of domestic workers they recruit and place per month or per year: the more they recruit, the more they make. Recruiters reported recruiting between 200 and 600 migrant domestic workers per business per year in Jordan and between 80 and 200 in Lebanon. The lower numbers in Lebanon may be explained in part by legal restrictions placed by the Lebanese government from time-to-time prohibiting recruitment of more than 200 workers per year.<sup>39</sup> One Lebanese recruiter calculated he could generate a monthly income of \$3,000 to \$5,000 by recruiting around 15 migrant domestic workers or \$10,000 to \$15,000 by recruiting 30.

Once all recruitment costs are taken care of, respondents in Jordan and Lebanon reported generating profits of between \$200 and \$500 'per domestic worker'. A Lebanese recruiter indicated that his annual profit could range anywhere between \$100,000 and \$200,000, depending on the state of the industry that year. A second described his commercial success in terms of enabling his family to live comfortably in Beirut, to travel often and for him to build two houses.

What recruiters in Jordan and Lebanon have to pay in recruitment costs influences the price charged to the clients (see Table 1). Two respondents - one Jordanian and one Lebanese - provided the researcher with examples of their direct (mostly fixed) recruitment costs (Table 4), which vary slightly from business to business.<sup>40</sup> For example, according to the Syndicate Recruitment Agency Association in Jordan, recruiters pay \$790 in total for processing the required immigration paperwork, which is usually included in the overall fee charged to employers as a direct cost that must be paid.

While the health insurance that employers are required to purchase for their domestic work employees is technically an additional cost, in practice many recruiters include insurance as a 'freebie' as a means of attracting clients.

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<sup>39</sup> As virtually all respondents stated complying with this quota at exactly 200 recruits per year (i.e. none reported recruiting higher numbers), the 'real' average seems likely to be more than 200. For instance, one PrEA representative asserted that 'others' recruit between 400 and 500 domestic workers per year.

<sup>40</sup> See Forthcoming ILO study on Employers of Domestic Workers in Lebanon (expected publication date January 2016). This study highlights that employers are very often not clear about what is included in their fee.

**Table 4: Criteria for selection of origin country partners by Jordanian and Lebanese recruiters**

Jordan (costs included in the total client fee)	Lebanon (costs not included in the total client fee)
<ul style="list-style-type: none"> <li>● <b>Work permit: \$628</b></li> <li>● <b>Medical exam: \$48</b></li> <li>● <b>Insurance: \$90</b></li> <li>● <b>Embassy contract: \$34</b></li> <li>● <b>Sales tax: 16 % on every domestic worker recruited and placed</b></li> <li>● <b>Entry tax: \$28</b></li> </ul>	<ul style="list-style-type: none"> <li>● <b>Medical exam: \$50</b></li> <li>● <b>Insurance: \$100</b></li> <li>● <b>Notary, employment contract: \$90</b></li> <li>● <b>General Security residence permit: \$200</b></li> <li>● <b>Procedures: \$100 (stamps, advanced approval, embassy contract)</b></li> <li>● <b>Visa fees at the airport: \$33</b></li> </ul>

\*Source: recruiters interviewed in Jordan and Lebanon

What recruiters must pay to actually recruit domestic workers varies widely according to the country of origin. Principally, two main variables influence this – the cost of flights/transportation and the fees (“commissions”) charged by origin country recruitment agencies to ‘supply’ the worker.

Flight costs vary with the distance to be covered and the popularity of the route/number of carriers operating. Flights tend to be cheaper from Bangladesh to the Middle East than from some other Asian countries. Costs can become inflated when a recruitment moratorium or ban is in place in the origin country. Higher prices arise from women migrant workers travelling by longer and more circuitous routes, often involving the payment of bribes or “fees” to multiple officials to avoid airport and other border controls. Where flight costs increase dramatically, the fees that recruiters in Jordan and Lebanon charge to clients (employers) increases correspondingly. This, according to interviewees, significantly reduces client demand for a particular nationality. It is important to note that despite the fact that it is the responsibility of the employer to purchase the plane ticket and that this money is included in the employer fee charged by recruiters, in reality many Bangladeshi domestic workers finance their outbound flight cost. This is explained in section 3, *The recruitment business model in Bangladesh*.

Recruiters in Jordan and Lebanon must also pay commissions to their counterparts in Bangladesh per recruit they ‘deliver’ to them, with full amounts only paid upon the recruit’s arrival in the destination country. Interviewees reported commissions paid to Bangladeshi recruiters were high in comparison to other origin countries, amounting to \$300 to \$1,000 per worker, because they had to compete with recruiters in Saudi Arabia which recruits more domestic workers from Bangladesh. The commission usually, but not always, includes the cost of the flight paid by the employer, varying from business to business. The vast majority of interviewees from all three countries confirmed that commissions were usually at the lower end of this scale once the cost of flights had been deducted.

Jordanian and Lebanese recruiters noted, however, that there is little variation between the commissions charged by their Bangladesh partners, meaning that they can maintain relatively stable client fees. For instance, a Jordanian respondent reported that he and his rival recruiters tended to charge their employers very similar amounts when recruiting from Bangladesh, varying their fees by only 100 JD (\$141) from business to business.

Unsurprisingly, given that this is not allowed by law, Jordan and Lebanon recruiters did not report generating income from charging recruitment fees to arriving domestic workers. Nevertheless, a small

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number of Bangladeshi recruiters indicated that if a domestic worker arrives with debt (for example if she is unable to pay the recruitment fee charged in the country of origin) she may ‘sell’ her debt to recruiters in the destination country via a ‘promissory note’. The debt is then reimbursed through the employer paying the first month(s) salary to the recruiter in Jordan and Lebanon rather than to the domestic worker. Respondents from all groups however (recruiters in all countries, sub-agents, and returned migrants) confirmed that in the case of Bangladeshi domestic workers, recruitment fees are usually settled before the woman leaves the country, although this does not stop their clients (employers) making salary deductions in order to recoup the fee that they have paid to their recruiter as noted above.

Recruiters in Jordan and Lebanon also generate income from hiring out domestic workers by the day, either in accordance with Regulation 12 of 2015 which allows this when recruiters are transferring sponsorship, but also irregularly beyond its scope. This practice was witnessed by the researcher many times. It was not clear if the women received any of the per diem rate paid by the recruiter client (who was not the employer in these cases) or if this was only paid to the recruiter.

## **ii. Recruitment and business risks**

Recruiters have to manage a number of day-to-day risks to their business, which if they materialise, can lead to significant financial loss. They consequently have to devise risk management strategies, although some risks to businesses in Jordan and Lebanon are completely beyond their control. For instance, recruiters in Jordan and Lebanon do not usually know in advance when a moratorium (‘recruitment ban’) on domestic work recruitment is to be imposed by an origin country government. This most directly impacts their business if ‘job-orders’ have already been placed with their business partners, but also has an impact on their ability to generate new business. Overall, virtually all recruiters interviewed in Jordan and Lebanon reported a drop in business (as measured by the number of recruits) over the past two to three years. They attributed this in part to the deteriorating security situation as a result of the Syrian Crisis, as well as a growing preference by Bangladeshi women to work in other Middle East countries with better wage prospects or where the recruitment could be managed more quickly.

The most common and costly risk to recruiters’ businesses is what respondents referred to as ‘the running away problem’. Despite numerous documented cases about domestic workers running away from abusive employers, recruiters interviewed generally attributed this to domestic workers seeking better paid jobs elsewhere, including for ‘freelance’ work. Regardless of the rationale, this break in the employment relationship can lead to significant financial losses for recruiters, because of the ‘financial guarantee’, which recruiters in both Jordan and Lebanon are required, according to the law, to offer their clients to replace the worker at no extra cost to the employer.<sup>41</sup> Recruiters in Jordan and Lebanon have a clear financial incentive to ensure that their clients are happy with the recruit during the period that they are legally liable, and that recruits do not leave.

Several recruiters interviewed in both Jordan and Lebanon reported that Bangladeshi women absconded from their employers more than other nationalities. They attributed this to Bangladeshi domestic workers being paid the least of all nationalities of domestic workers. They reasoned the low pay fosters a greater willingness to risk engaging in illegal freelance work, or, in the case of Jordan, to find a job in the apparel sector. According to one respondent in Lebanon: “There are mafias from over there [Bangladesh] that take a lot of money from the women, so when they come here, it is not financially feasible to work for \$150 to \$175, which incentivizes them to run away.”

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<sup>41</sup> Jordan, Regulation No. 12 of 2015 (Articles 14A & 15C)

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One Jordanian recruiter estimated that he loses up to 10 per cent of his Bangladeshi domestic worker recruits to job opportunities in the apparel factories where, with overtime, the pay is higher than in domestic work. Similarly, a Lebanese recruiter estimated that he replaces approximately 20 per cent of women recruited because they have run away from their employers (his clients). Another shared that in 2013, out of 86 domestic workers he had recruited, he was obliged to replace three who ran away and 25 who did not get along with the client or someone else in the household. This represented almost a quarter of his annual business and therefore a significant financial loss.

Recruiter respondents do not consider the government authorities as being on their side in the case of 'runaways'. Although recruiters are not in theory legally financially liable in cases where the employer has exploited or abused the worker, interviewees reported that this is very difficult to prove in practice, and that they end up having to refund the employer or replace the domestic worker regardless. Respondents in both Jordan and Lebanon complained that employers tend to threaten them in order to make them pay, and if they refuse the employer can file a complaint at the Ministry of Labour, which will prevent them from being able to process future domestic work visas. In cases where a domestic worker is being exploited or abused by her employer, the financial implications are likely to hamper the recruiter's willingness to assist the worker or report the situation to the authorities, even if they were so inclined to do so.

Recruiters in Jordan and Lebanon implement several strategies to manage the risk of a domestic worker leaving or being unable to complete her contract. Principally, they 'outsource' this risk to their Bangladeshi partners, commonly requiring them to pay the cost of recruiting a replacement domestic worker, refunding client fees and potentially purchasing a return ticket for the original recruit, if anything occurs during the period when the employer is legally entitled to a replacement domestic worker in the defined circumstances. A Jordanian respondent explained: "We have a verbal deal/ agreement with our Bangladesh agency which is not legally binding. They give me a three month guarantee." Because this is not enforceable (unlike in Jordan and Lebanon), a Lebanese respondent asserted: "We have to put our foot down when these matters happen, so that they don't take us for granted."<sup>42</sup> Honouring these verbal agreements is consequently viewed as a critical part of the business relationship. As one Jordanian interviewee stated, what makes a 'good' partner is that: "He [the Bangladesh recruiter] would have no trouble reimbursing me if there is a problem with a domestic worker."

In such reimbursement cases, Jordan and Lebanon recruiters recoup money from their Bangladeshi partners in instalments of approximately 100 JD (\$140) rather than as a one-off payment. This is deducted from each future commission payable to them (the Bangladesh recruiter) for new recruits. Reimbursements are organised this way because recruiters in Jordan and Lebanon recognise that recruiters in Bangladesh usually lack sufficient cash flow to make full refunds in one instalment. It also keeps Bangladesh recruiters 'hooked into' the business relationship, usually creating a complex balance of payments between the business partners. One Jordanian recruiter admitted threatening to report any recruiters that do not reimburse them to the Bangladesh embassy. This, he argued, tends to be an effective strategy because Bangladeshi recruiters depend on their embassies to stamp visas and contracts for their business in the future and the embassy will not execute these tasks if there are outstanding complaints. In other words, while there is no legal requirement for Bangladesh recruiters to give destination country partners a financial guarantee for the first three months, at least some of the negotiating power lies with the latter. Similar risks accrue from what interviewees referred to as new recruits 'refusing to work' or not working to their new employers' satisfaction.

In order to minimise their financial risks, recruiters deploy a variety of tactics to prevent their recruits from absconding or 'refusing to work' and to conform to the employer's wishes. These tactics build on the advice labour recruiters offer to employers on how to manage the employment relationship. One recruiter

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admitted “If there is a problem, I have the agency in the origin country speak to her to scare her, tell her she has to pay \$2,000 if she wants to go home. It is true it is harsh, but it works.” Some interviewees even admitted to ‘retraining’ domestic workers in their own homes or in dormitories retained especially for this purpose. A Lebanese interviewee explained how she had ‘kept’ three domestic workers in her office at one time “for about a week, so that they can readjust their attitude so they can go back to work. I try to understand from them what the problem is. If the domestic worker has the right, then I talk to the employer. If the employer has the right, I yell at the domestic worker and tell her that I will keep them in the office until they change their attitude. I give them some food like potatoes, rice and eggs. Eventually they will get bored and want to work again.”

In June 2014, in an industry-wide attempt to limit the financial liability of individual recruiters in cases of domestic work recruitment, the Jordanian Syndicate, in partnership with the Jordanian government, established a new mandatory insurance system underwritten by insurance companies. Clients are now required to pay an annual subscription of \$183, which covers their employees for work-related accidents, third class full medical insurance and life insurance. Where domestic workers leave their employment, clients are also able to claim back the fees, which they paid to the recruiter as well as the cost of recruiting a replacement worker.<sup>42</sup> Given that this requirement is relatively new, its impact on the ability of domestic workers to freely leave their place of employment is not yet known.<sup>43</sup>

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<sup>42</sup> Regulation 12 2015

<sup>43</sup> This regulation adds another layer of private sector actors into the equation that have a financial rationale to prevent migrant domestic workers from leaving their employment. In other words, the more migrant domestic workers leave their employment, the more it will financially hurt the insurance companies involved in the scheme. This may lead to additional risks for domestic workers.

## 4. The recruitment business model in Bangladesh

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A total of 20 recruitment agency representatives and 30 dalals were interviewed in Bangladesh about their business models. Recruiters in Bangladesh are subcontractors to recruiters in Jordan and Lebanon; they consider the recruiters in Jordan and Lebanon to be their clients rather than the end employer. Recruiters in Bangladesh have virtually no contact with the end employer, or in some cases even the domestic worker. Their subcontracting status is at the core of their business model. However, recruiters included in the research do not solely recruit women; according to interviewees, male recruitment is in fact a far larger and more profitable part of their businesses. Similar to recruiters in Jordan and Lebanon, recruiters in Bangladesh are largely micro-enterprises, employing between five and seven workers. Multinational recruitment agencies, although present in Bangladesh, do not engage in international recruitment.

As with Jordan and Lebanon recruiters, Bangladesh recruiters must devise competitive strategies in order to generate profitability. First, recruiters advertise their businesses through the Bangladesh embassies, which provide their contact details to recruiters in Jordan and Lebanon. They may also pay individuals – either based in Jordan and Lebanon or who visit periodically – to find new ‘job orders’ for them through visiting recruiters in these countries, offering new domestic worker candidates from Bangladesh.

Secondly, much like recruiters in Jordan and Lebanon, the success of a Bangladeshi recruitment business depends on its ability to generate a constant supply of recruits. This is because for the competitive strategies of recruiters in Jordan and Lebanon to be successful, they must have a sufficient volume of domestic work candidates available to offer their clients. As one Bangladesh recruiter explained: “We have to send bio-data forms in advance so that overseas recruiting agencies can have many forms in hand.”

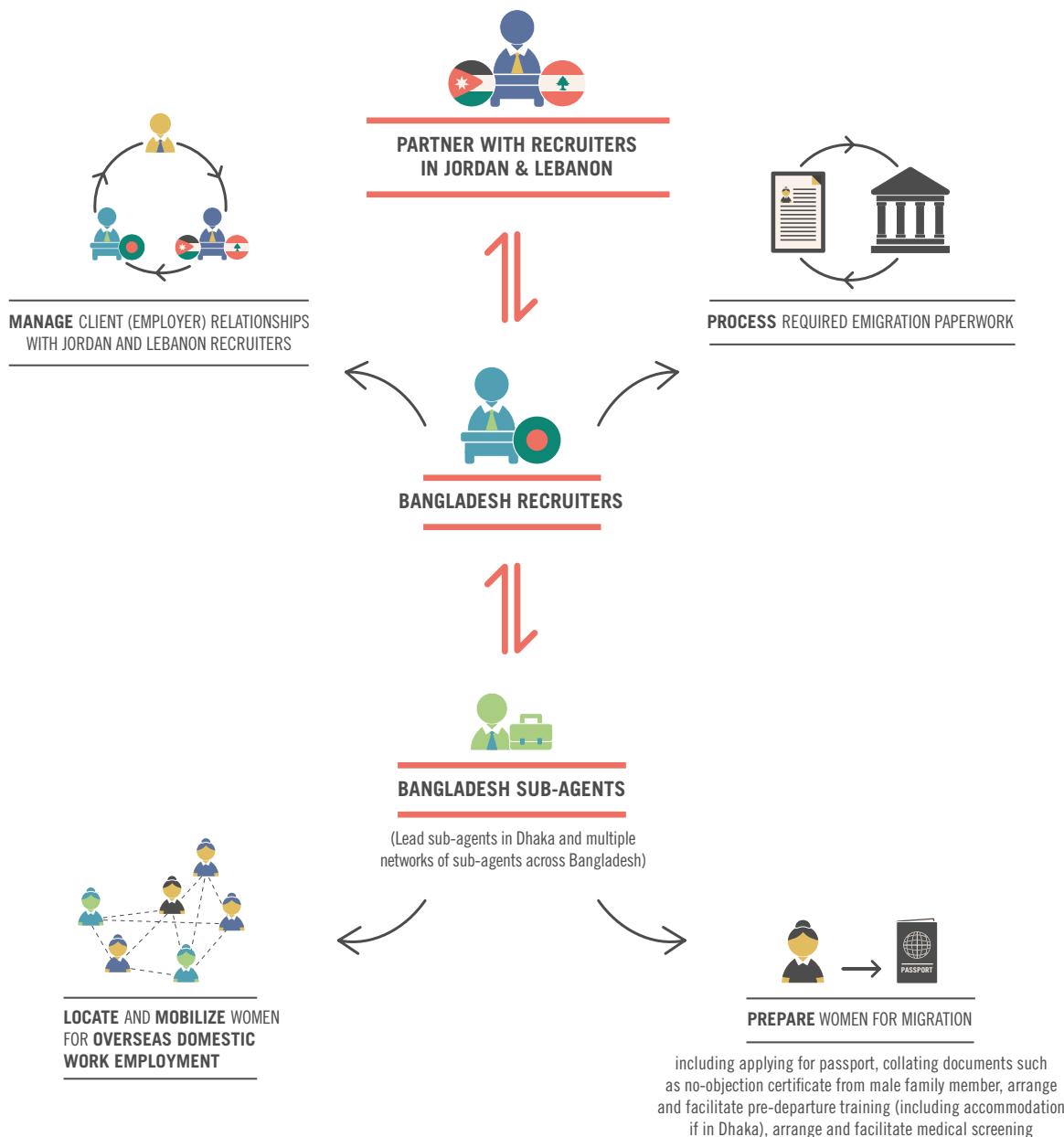
Thirdly, mobilising sufficient women for domestic work positions is challenging for the Dhaka-based recruiters, as many women migrate from the districts of Barisal, Khulna, Faridpur and from remote villages. Recruiters are consequently reliant on vast networks of sub-agents across Bangladesh who locate and mobilise recruits for them, often retaining several in order to meet their clients’ demand. Despite this, Bangladesh law explicitly prohibits the use of sub-agents, requiring recruiters to publish job opportunities in the press.<sup>44</sup> However, no recruiter interviewed reported advertising for domestic workers. Instead, a Dhaka-based respondent explained: “We receive the names of potential migrants by sub-agents. We contact around 30 sub-agents [who] regularly come into our office to get the news about [the] need for potential migrants. We do not publish advertisements.”

According to interviewees, the recruiters’ reliance on sub-agents results from the low literacy rates of Bangladeshi women who tend to migrate and the lack of Internet access in rural areas. Recruiter respondents also reported that women migrant workers (as opposed to men) prefer to migrate with a sub-agent rather than a recruitment agency, based far away from their home. Interestingly, female interviewees who had returned from working in Jordan and Lebanon indicated that trust was not the major issue for them. Instead, they felt there had been no other option than to migrate with a sub-agent, being largely unaware where recruitment agencies were physically located. Cultural norms in Bangladesh, they argued, largely preclude women from travelling alone to Dhaka to visit recruitment offices, even if they had known where to locate them.

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<sup>44</sup> This conclusion is supported through a reading of several provisions in the Bangladesh Overseas Employment and Migrants Act 2013 (S. 2 (15); S.19(3) and S. 32)

Recruitment tasks are divided between recruiters and the sub-agents in Bangladesh. Recruiters process the required emigration paperwork with the relevant government Ministry and sub-agents ‘prepare’ the women for migration. Preparation includes assisting women in applying for passports, arranging and accompanying women to medical screening, and arranging the required pre-departure training. A Bangladeshi sub-agent noted: “She [the domestic worker] has to do all this with my help – I know where to go, the related staff and what to do in case any problem arise with the medical and training.” Figure 2 depicts the division of labour between recruiters in Dhaka and their sub-agents.



**Figure 2: Division of labour – the role of recruiters and sub-agents in Bangladesh.**

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Sub-agents allow recruiters to generate a sufficient number and flow of recruits for their counterparts in the destination countries. ‘Lead’ sub-agents are often based in Dhaka so they are able to communicate face-to-face with the recruiters, as well as with others located in the regions from which women tend to migrate the most. Relationships between sub-agents and recruiters in Dhaka are strictly on a freelance ‘cash-in-hand’ basis. Sub-agents reported working regularly with three to five recruiters, maintaining contact by mobile phone and visiting their offices on a regular basis to ‘drop passports’, which is how they described taking ‘applications’ (completed bio-data forms) to recruitment offices. Sub-agents interviewed for the study each recruited between ten and 30 men and women every year, depending on whether recruitment was a full time business or an occasional activity.

Sub-agents do not usually physically introduce recruits to the recruiters. Very often migrant domestic workers leave Bangladesh not even knowing the name of the recruiter who has processed their recruitment and employment. Recruiters generally do not conduct interviews for domestic work positions, relying on their sub-agents to find suitable applicants. The only criteria sub-agents use, according to our respondents, are whether a woman meets the age requirements and her physical fitness, ability to pass the medical test and her marital status. Fairly typically, one recruiter respondent stated “Physical fitness: that is ability to do household chores is the important area to be considered” when determining whether or not to forward a woman’s details to his destination country partner. In practice, sub-agents usually make this decision.

### **a. Income and profit**

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The income of recruiters in Bangladesh comes from two sources – first, fees charged to new recruits and second, the commission paid by their business partners in Jordan and Lebanon. As with their Jordan and Lebanon partners, their profitability is directly proportional to the number of recruits they succeed in identifying and passing on to their clients in destination countries. Legally, recruiters in Bangladesh can charge women migrant workers a maximum of 20,000 BDT (\$260) but recruiter interviewees reported charging fees of 60,000 to 80,000 BDT (\$770 to \$1,030). Recruiters in Bangladesh also receive commissions from their Jordanian and Lebanese partners of approximately \$300 per recruit, providing a total income of approximately \$1,000.

As with their destination country partners, recruiters’ profit accrues from the difference between their income (approximately \$1,000) and their outgoing business costs. These include: i. the ‘fixed costs’ associated with running a business in Dhaka (e.g. office rent, overheads such as electricity charges, internet); ii. the costs associated with recruiting (e.g. fees to sub-agents, processing visa paperwork with the Bangladeshi authorities, and outbound flights for the recruits).

Recruiters in Dhaka do not pay a regular wage to their sub-agents, paying instead a commission of around 10,000 to 20,000 BDT (\$130 to \$260) per recruit, variable between businesses and what the recruiters can negotiate. It is also dependent on the balance of payments referred to above. In other words, this would apply if the recruiter in Dhaka ‘owes’ their business partner in Jordan or Lebanon a ‘reimbursement’ for a prior recruit who has run away from her employer, is pregnant, failed to arrive, did not pass her medical test on arrival, or because the employer was not satisfied with her.

Recruiters do not charge fees to women directly. Women pay their sub-agent who then passes this to the recruiter minus his/her commission, referred to interviewees as a ‘tip’. Women interviewed for this study had paid their sub-agents a ‘tip’ of between 2,500 and 5,000 BDT (\$32 to \$64). The total fees which sub-agents charge to women on behalf of the recruiters in Dhaka vary between sub-agents. One noted that his fee varies depending on her capacity to pay, charging more to those who have access to more money. Sub-agents seek the remainder of the total fee in two or even three instalments rather than as a lump sum,

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which, according to sub-agents interviewed for this study, makes it easier for women to raise the money. The first instalment directly covers the ‘actual’ costs of applying for a passport and other documentation required for emigration (e.g. medical screening certificate, pre-departure training). Sub-agents and recruiter channel this money to each of the different institutions, arranging for women to be ‘prepared’ for departure. It is also likely that sub-agents and other institutions take ‘cuts’ from the ‘actual’ costs, which inflates the total fee charged to women. The second (and sometimes third) instalment is handed directly to the recruiter by the sub-agent to cover the costs of processing visas and associated emigration paperwork as well as the outbound flight.

According to the terms of the standard employment contracts that are required in Jordan and Lebanon (and 2012 agreement between Bangladesh and Jordan), employers in these countries are required to pay the full costs of domestic worker recruitment. However, the international recruitment business model is not this straightforward. Neither employers (Jordan and Lebanon clients) nor recruiters in those countries pay their fees or commissions up-front. This leaves a cash-flow issue, as in practice no money will be forwarded for the recruitment of the domestic worker until she lands in the destination country. This means that her recruitment fee is used to facilitate her migration while the employer fees largely disappear into recruiter (and other migration business) profits. Thus, migrant domestic workers bear the entire cost of their own migration. As one sub-agent put it: “For all service – passport, medical, training, travel etc.—worker has to pay and also the agency charges them migration fees.”

In order to finance their migration, women commonly borrow money from male relatives or sell family assets such as jewellery or land. Although Bangladesh has established a specialised bank for migrant workers – the “Probashi Kollayan Bank” - the process of securing a loan was reported by one interviewee to be cumbersome and difficult. None of the women interviewed in Bangladesh (returnees from employment as domestic workers in Jordan and Lebanon) had used the bank, nor had any profited significantly from her migration. Several had their wages of between \$100 to \$150 per month confiscated or withheld by their employers. Many were seeking to migrate again, most likely because they had not profited sufficiently or at all from the previous experience. A model of the fees and profits generated by this whole recruitment and employment process are detailed in Figure 3 on pages 34-35.

## b. Business risks

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Similar to their business partners in Jordan and Lebanon, Bangladeshi recruiters face a number of business risks that can lead to significant financial loss. Unsurprisingly, the most risky of these results from the three-month financial guarantee, which they must make to their recruiter clients in destination countries, as outlined above. One interviewee claimed to have suffered losses of 900,000 BDT (\$11,570) the previous month, due to nine domestic workers returning from Jordan because of pregnancy or sickness. In order to mitigate this risk, one Bangladeshi recruiter said he requires his women migrant workers to sign an agreement to indemnify the recruiter against loss of this kind. It reads:

*“After my arrival in Lebanon, if it is found that I am medically unfit or physically sick then the cost of my returning back to Bangladesh shall be upon me. [...] In my work place abroad I shall not do anything prohibited by the law of that country nor do anything which give rise to unexpected incident. If I desire to return back to my own country voluntarily then I shall be bound to pay 2,000 USD for air-fare and miscellaneous cost to [NAME OF AGENCY] and my guardian or heirs shall not object to this.”*

In no cases do recruiters return the recruitment fee to their recruits. As one recruiter explained: “When any worker resigns from any job, we ensure their return to the home country. We do not return the commission to the returnee workers. What we do under such circumstances is we recruit and send another worker in her place as part of the compensation package programme.”

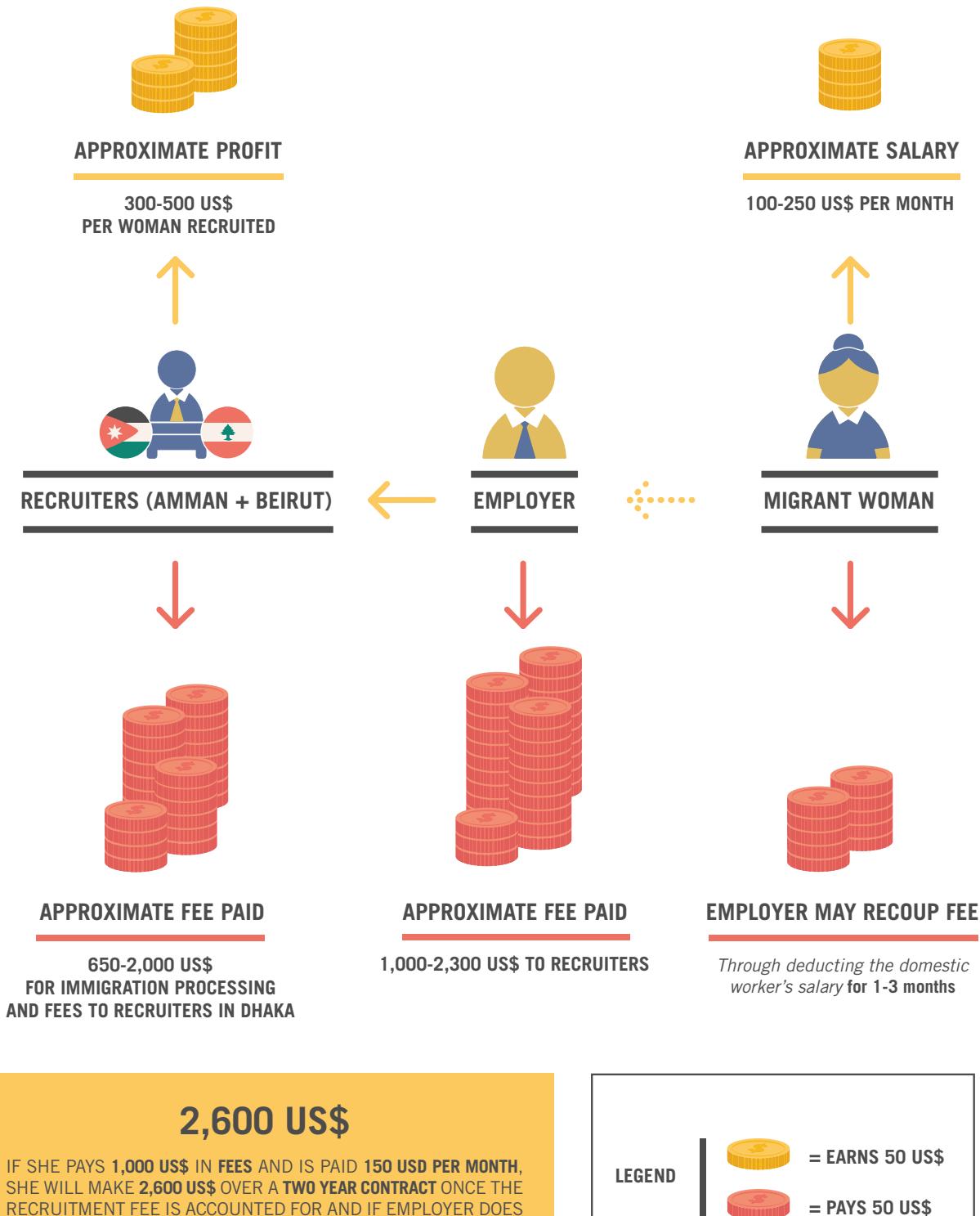
Bangladesh recruiters also risk having a potential worker change her mind prior to her departure, a risk which accrues in part from the length of time between recruitment and when the woman finally boards the plane. To discourage this practice or to prevent women from switching to another recruiter, who may make her a better offer, they commonly retain the migrants’ passports until departure. Passports (and employment contracts where these are signed) are handed over to the women only three to four days before they depart or even at the airport, consequently leaving them little opportunity to change their plans.

# BANGLADESH



Figure 3: Model of the profits and fees generated by the labour recruitment process

# JORDAN - LEBANON



## 5. Conclusion

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The private recruitment industries and business models in Bangladesh, Jordan and Lebanon which have been explored by this research are firmly intertwined with the rapid and continued growth in the hiring of migrant domestic workers in the Middle East. Immigration regulations have influenced the development of the industry which has flourished due to legal obstacles and practical challenges which prevent employers from directly recruiting migrant domestic workers. Immigration regulations in Jordan and Lebanon, including the sponsorship system (kafala), effectively prohibit workers from entering the country without a sponsoring employer and may further prevent them from seeking alternative employment once inside the country. Thus both parties require the assistance of private recruiters to help them navigate through the complex system of regulations, authorisations and paperwork necessary for cross-border labour migration.

How this recruitment process operates is beyond the oversight and often the knowledge of the employer and certainly of the domestic worker. In exchange for a fee paid by the client employer, destination country recruitment agencies provide an ‘end-to-end service’, with minimal involvement of the prospective employer beyond an initial selection of the recruit based on bio-data forms and photos. On the other end of the network, women domestic workers (the poorest parties to the process) also pay a myriad of costs and fees associated with the recruitment process in the Bangladesh. The recruitment fees charged to workers are indicative of the financial ‘premium’ rural households attach to the opportunity to earn an income outside Bangladesh, which is tapped into by recruiters and sub-agents with financial incentives to increase revenues and to offer lower recruitment commissions on workers they provide to their partners in Jordan and Lebanon.

Despite the fact that the prospective migrant woman pays out what is, for her, an extraordinary sum of money to finance her migration, none of the actors in the recruitment process regards her as their ‘client’ or perceives their role as to represent or protect her interests. The worker may never even meet their official recruiter in Bangladesh, as recruiters rely heavily on networks of sub-agents to identify and prepare migrant workers for deployment. They may be sent abroad with little to no knowledge of who all of the sub-agents and recruiters are who facilitated their migration and charged them fees, where they are being sent or who their employer will be. Once in Lebanon or Jordan, under the Kafala system workers are tied to their employer, and the financial incentives for employers and recruiters to maximise worker retention often outweighs any interest in the worker’s wellbeing. Domestic workers lack labour law protections and become part of a highly dispersed and largely invisible workforce. They also face significant obstacles to complaining about abusive recruitment practices or to organise themselves to demand improvements. Women are, in the absence of explicit and targeted support from external sources such as NGOs or trade unions, essentially without ‘agency’ in this recruitment process.

It is critical that recruiters operate in a manner that protects the human rights of workers and upholds international labour standards. In light of the risks that have been highlighted in these three countries, recruitment industries and businesses operating between South Asia and the Middle East should regularly examine, collectively and critically, the human rights impact of their business models. Equally, it is important to emphasize the roles and responsibilities of other key actors, including governments who set the industry’s regulatory landscape and employers who shape demand for migrant domestic workers. In an industry which is responsive to regulations and employer demands, concrete action must be taken by all parties in order to promote business models that empower and protect the rights of workers.

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## **National Legislation**

### ***Bangladesh***

Gazette Notification No. Prokaboikomo- 5/ a-2/ 2005/1628 Concerning the Migration of Women, 2005. Overseas Employment and Migrants Act, 2013.

### ***Jordan***

Regulation No. 12 of 2015 The Regulation of Organising the Private Offices of Recruiting Non-Jordanian House Workers (it replaces Regulation No. 89 of 2009, 2015.

### ***Lebanon***

Ordinance No. 1/1 of 2011.

Regulation 90 of 2009 of Domestic Workers, Cooks, Gardeners and Similar Categories. Official Gazette 2009-10-01. No 4989. P5348, 2009.

## Appendix 1

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### Ratification Table

Standard	Bangladesh	Jordan	Lebanon
<i>Migration for Employment Convention (Revised), 1947 (No. 97)</i>			
<i>Migration Workers (Supplementary Provisions) Convention, 1975 (No. 143)</i>			
<i>Private Employment Agencies Convention, 1997 (No.181)</i>			
<i>Domestic Workers Convention, 2011 (No.189)</i>			
<i>Protocol of 2014 to the Forced Labour Convention, 1930</i>			
<i>Forced Labour Convention, 1930 (No. 29)</i>	✓	✓	✓
<i>Abolition of Forced Labour Convention, 1957 (No. 105)</i>	✓	✓	✓
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children</i>		✓	✓

## Appendix 2

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### Study Methodology

As the intent of this study was to explore and collect rich data on recruitment business models, the research utilised a qualitative methodology. An international research team conducted qualitative fieldwork in both origin (Bangladesh) and destination countries (Jordan and Lebanon); a framework that is commonly referred to as a ‘corridor study’.<sup>45</sup> Taking a ‘corridor’ approach is especially vital in understanding the international recruitment business. To study recruitment activities in only one national labour market is to miss potentially crucial pieces of information about why and how they do what they do.

Researchers based in the study countries conducted semi-structured interviews with recruiter representatives, sub-agents, trade union officials, government officials, civil society representatives and human rights defenders in Bangladesh, Jordan and Lebanon. Returned women migrant domestic workers were interviewed in Bangladesh. Interviews took place between December 2013 and July 2014. In total, researchers conducted 141 interviews in the participants’ own language, according to a standardised interview schedule, each lasting between 40 minutes and 3 hours.

Interviews	Bangladesh	Jordan	Lebanon	Totals
Key informants	15	12	10	<b>37</b>
PrEA representatives	20	18	21	<b>59</b>
Sub-agents	30			<b>30</b>
Returned women migrant workers	15			<b>15</b>
<b>Totals</b>	<b>80</b>	<b>30</b>	<b>31</b>	<b>141</b>

Recruiter and sub-agent interviewees were identified using ‘snowballing’ techniques, with recruitment industry associations providing initial contacts. Respondents were asked to provide details of at least one further respondent. Key informant interviewees were also asked for potential recruiter and sub-agent contacts. Interviewees were purposively sampled for engagement in the domestic work recruitment sector and recruiting from Bangladesh (for Jordan and Lebanon respondents), or recruiting into Jordan and / or Lebanon (for Bangladesh respondents). Returned women migrant workers were identified through civil society organisations in Bangladesh and were identified on the basis of having been employed as domestic workers in Jordan or Lebanon.

A number of measures contributed to validation of the data. Interview data gleaned from the recruiter and sub-agent respondents was validated with key informant interview data. Findings from the Bangladesh recruiters were also cross-checked with that from the Jordan and Lebanon recruiters. Analysis of interviews

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<sup>45</sup> Team members also conducted research in India and Nepal. As recruiter respondents did not identify recruiting domestic workers into either Jordan or Lebanon due to government-initiated moratoriums, findings from these interviews are not included in this summary.

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with respondents based thousands of miles apart who were unlikely to have ever met revealed some important consistencies. Analysis of business materials, official and governmental documentary and statistics material, NGO reports, and academic literature also contributed to validation of the data. Moreover, researchers were selected for their ability to build empathy with respondents and comment on the veracity of findings based on their experience and knowledge.

As is the norm in qualitative research, interviewees were offered anonymity so that they felt able to freely speak and to share their experiences. In interviews where researchers had doubts about what the respondents were telling them, they were advised to ask their interviewees about what other recruiters did, a known technique for encouraging business interviewees to share more information.

Conducting research in each country had its own particular challenges. Lebanon is experiencing a deteriorating security situation due to the war in Syria and the resulting entry of a large number of refugees. An early decision was taken therefore that interviews could only feasibly and safely be conducted in Beirut. A key interviewee confirmed that recruiters are concentrated in Beirut, with only a small number dispersed throughout the rest of the country, meaning that in effect, there would likely be few methodological problems with conducting interviews only in the city. Interviews were conducted in the following neighbourhoods: Zouk Mousbeh, Ayn Remanieh, Badaro, Ashrafiyeh, Hamra, Jbail, Ramlit el Bayda, Kornish El Mazraa, Baabda, Jounieh, Rouwchi, and Hazmieh. This meant that interviews were conducted with respondents based in predominantly Christian areas, as well as those in predominantly Muslim areas.

In Jordan, interviews were only conducted in Amman, due to restrictions on time available for fieldwork in that country. As with Lebanon, key informants did not identify any particular differences between recruiters in Amman and in other cities and regions in Jordan.<sup>46</sup>

In Bangladesh, all the licensed recruiters permitted to recruit women for overseas employment are situated in Dhaka City, especially in the Paltan, Motijheel, Banani and Gulshan areas. According to the field researcher, some have recently started to open recruitment agencies in the district towns, but they are few in number and not particularly different or special. Sub-agents from Brahmanbaria, Faridpur, Barisal, and Tangail districts were also interviewed in Dhaka when they came there for business.

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<sup>46</sup> The only particular difference between Amman and other areas of Jordan identified by respondents was that of Aqaba, which is located in a special economic zone. PrEAs in this zone can operate under different rules and regulations for PrEAs, and as such could be the subject of a separate study.