

Preventing and responding to abusive and fraudulent labour recruitment: A call for action

In today's globalized economy, workers are increasingly compelled to look for job opportunities far away from home, and many find employment in countries other than their own.

While labour mobility brings benefits to millions of workers and their family members, for many it comes at a high price, particularly when it is not properly regulated. Both public and private employment agencies can play an important role in mediating opportunities for full and productive employment and decent work, and in promoting the efficient and equitable functioning of labour markets. Across the world, however, concerns are being raised about unscrupulous employment agencies, informal labour recruiters and criminal traffickers who prey on the low-skilled and migrant workers in particular, acting outside legal and regulatory frameworks. Reported abuses include deception about the nature and conditions of work, retention of passports, deposits and illegal wage deductions, charging of recruitment fees to workers, debt bondage linked to the repayment of recruitment fees, and threats of violence or deportation. These abuses derive from gaps in the governance of labour recruitment, especially across international borders.

In response, ILO and UNODC joined forces to promote fair recruitment practices within and across countries. The ILO's Fair Recruitment Initiative, which has also gained support within the Global Migration Group, aims to prevent human trafficking and forced labour within and across borders; protect workers, in particular migrant workers, from abusive and fraudulent recruitment practices; reduce the human, social and economic costs of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination. Synergies and cooperation are being built with other relevant initiatives, including IOM's initiative on Ethical Recruitment. The Fair Recruitment Initiative is grounded in international standards and guiding principles, notably ILO Conventions, Protocols and Recommendations, the UN Trafficking in Persons Protocol, and the UN Guiding Principles on Business and Human Rights.

As the guardian of the Trafficking in Persons Protocol, UNODC assists Member States in their efforts to effectively implement the Trafficking in Persons Protocol and to build comprehensive and effective responses to trafficking in persons. This includes research, issue papers and reports on trafficking in persons to increase Member States' knowledge and understanding of key concepts and issues concerning trafficking in persons.

Based on those above-mentioned international commitments and principles, ILO and UNODC call on governments, social partners, businesses, other international agencies, and all concerned stakeholders, as appropriate and in line with their respective roles and mandates, to strengthen their efforts to address abusive and fraudulent recruitment practices by considering the following actions:

-  **Adopt and strengthen, in line with international standards, national laws, particularly labour, migration and criminal laws and other regulatory measures, to address the entire spectrum of fraudulent and abusive recruitment practices that may lead to trafficking in persons;**
-  **Raise awareness amongst recruiters, private employment agencies and employers in the private and public sectors on due diligence and best practices on how to eliminate abusive and fraudulent recruitment practices;**
-  **Enable cooperation among relevant government agencies, workers' organisations, employers' organisations and representatives of private employment agencies; promote strategic partnerships between the public and private sectors, and facilitate exchange of good practices within common migration routes, so as to**
 - ensure that labour recruiters violating criminal laws are sanctioned, including, where appropriate, for the offence of trafficking in persons;
 - ensure coverage and enforcement of other relevant legislation, including labour law, to eliminate abusive and fraudulent practices during the recruitment and placement process;
 - create an environment that is conducive to fair and sustainable business practices;
-  **Create complaint mechanisms and ensure that migrant workers who have experienced abusive and fraudulent recruitment practices or subsequent exploitation, gain access to justice and effective remedies, such as compensation;**
-  **Ensure the Right to Freedom of Association, maximise collective bargaining coverage and support trade unions in their efforts to organize workers, including migrant workers, to better protect them from exploitation during or resulting from the recruitment process;**
-  **Foster the transparent and participatory negotiation, conclusion and effective implementation of bilateral and regional agreements, rooted in international standards, as well as other specific mechanisms to ensure improved international coordination and cooperation and to close regulatory and enforcement gaps across common labour migration routes;**
-  **Ensure that national mechanisms to regulate the recruitment of migrant workers are integrated into labour migration policies and relevant bilateral and regional agreements, to ensure coherence between national laws and policies governing labour recruitment and the broader policies relating to employment, skills, and education;**
-  **Promote the ratification of relevant UN and ILO Conventions, in particular the recently adopted Protocol of 2014 to the Forced Labour Convention, 1930; the Trafficking in Persons Protocol; the Private Employment Agencies Convention, 1997 (No 181); the Migration for Employment Convention, 1949 (No 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143) to ensure proper recognition and regulation of labour recruiters and employment agencies.**