

FAIR RECRUITMENT COUNTRY BRIEF: PAKISTAN

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Labour migration and recruitment practices in Pakistan

Labour migration from Pakistan has steadily increased in recent decades. According to official figures, more than 11 million Pakistanis have moved for overseas employment to over 50 countries since 1971 (BE&OE, 2019). Remittances and the development of work-related skills and competencies achieved abroad have played a key role in economic growth and poverty reduction in Pakistan. However despite their contribution to the economy and society of Pakistan and countries of destination, Pakistani migrant workers are vulnerable to abuse and exploitation while working abroad – particularly during the recruitment stage.

The public and private recruitment industry plays a key role in connecting jobseekers with work opportunities abroad. The recruitment industry in Pakistan has grown in recent years and as of 2019 comprised approximately 2,062 licensed overseas employment promoters (OEPs) and one public agency – the Overseas Employment Corporation (OEC). It is estimated that in 2019, 47 per cent of Pakistani workers migrated through their own efforts (mostly through relatives already abroad), while 53 per cent of them emigrated through registered OEPs. A large network of informal/unlicensed intermediaries also operate in this space – relied on by both OEPs and migrant workers to further facilitate the recruitment process. These subagents have

been associated with charging excessive fees to migrant workers, failing to provide accurate information about their working conditions, and sometimes pushing migrant workers into irregular migration channels.

The EU-funded ILO Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME) project seeks to work in partnership with ILO constituents in Pakistan to address the challenges related to the recruitment of migrant workers in line with the ILO's General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.

Main labour migration trends: Challenges and opportunities

Migration flows: consistent increases, with recent decline

Since 1971, more than 11 million Pakistanis have proceeded abroad for employment through official procedures, and the Arab States (in particular the Gulf Cooperation Council (GCC) countries) are the primary region of destination (ILO, 2020). Labour migration numbers were at their peak in 2015 and 2016 – with 946,571 and 839,353 workers, respectively (ILO, 2020). However, there was a significant decline in labour

migration flows during 2017 and 2018, with a reduction of almost 40 per cent compared to previous years. The main reason for the decrease was the lower oil prices which caused a slowdown of many GCC economies and thus reduced job opportunities in the construction sector (in particular due to budget cuts in the infrastructure sector).

the largest destination country for Pakistani workers in 2019, hosting 332,713, followed by United Arab Emirates with 211,216. Oman is the third largest country, hosting 28,391 Pakistani workers. In total, 285,932 were skilled workers, whereas 249,075 and 64,876 were unskilled and semi-skilled workers respectively (BE&OE, 2019).¹

Box 1: Labour migration in Pakistan at a glance

- Population of Pakistan: 216 million
- Total departures in 2019: 625,203 Pakistani workers were registered for employment abroad
- Number of women migrant workers: 0.4 per cent of all Pakistani migrant workers are women
- Key destination countries: 96 per cent of Pakistani workers go to the GCC countries – with Saudi Arabia and the United Arab Emirates hosting the majority
- Remittances: US\$21.84 billion during 2019 financial year, 60-65 per cent of the remittances were from the Arab States.

Sources: United Nations, Department of Economic and Social Affairs, Population Division (2019). *World Population Prospects 2019, Online Edition. Rev. 1.*; MOP&HRD, 2015 and the State Bank of Pakistan

Concentration of workers in low skilled occupations in the GCC countries

The migration of Pakistani workers is mostly towards the GCC countries of the Arab States. Saudi Arabia was

This specific migration corridor to the GCC countries is dominated by temporary labour migration schemes, governed by the sponsorship system (*kafala*) which de facto ties the migrant worker's emigration status to an individual employer or sponsor (*kafeel*) for their contract period. This system has been subject to international criticism which points to the asymmetrical power relationship it creates between worker and employer, which can make workers vulnerable to exploitation and forced labour (ILO, 2017). In recent years, a number of countries in the GCC region have introduced incremental changes to legislation governing employment relationships between migrant workers and *kafeels*.²

Reliable information about current and future employment opportunities in destination countries is a key component of effective planning for countries of origin. Information about qualifications and skills in demand in the short-, medium- and long-term allows public and private institutions to align vocational training curricula to ensure that supply and demand gaps are bridged. A key challenge in this area is a lack of systems of mutual recognition of education and skills for low- and semi-skilled occupations between Pakistan and the GCC countries. There is also a lack of efficient mechanisms in place for recognition of prior learning of returning migrant workers.

¹ Occupations for Pakistanis working abroad are classified into four skill levels — high, middle, skilled and unskilled. In this classification, consideration is given to both the educational endowment and wage characteristics of each occupation. The high level includes engineers, doctors, teachers/lecturers, accountants, managers and executives. The middle level covers typists/clerks, supervisors/surveyors, nurses, and persons engaged in trade and business. Production related skilled occupations such as masons, electricians, drivers, machine operators, carpenters, mechanics and welders are classified in the skilled level. The unskilled level includes both agricultural workers and non-agricultural labourers. Unclassified occupations, such as household work, are also included in the unskilled level.

² See: ILO (2019) Factsheets on Regulatory Framework Governing Migrant Workers, available for Bahrain, Kuwait, Oman, Saudi Arabia, Qatar and the United Arab Emirates. Available at ilo.org/fairway.

Recruitment fees and costs

The Emigration Rules, 1979 (Clause 15-A) regulates the charging of fees, and states that recruitment agencies may charge workers only for the actual expenses incurred for air tickets, medical exams, work permits, levies, visas, and documentation along with a service fee capped at 6,000 Pakistani rupees (PKR) (USD 39³). However many temporary migrant workers do pay larger recruitment service fees, as well as costs for job information and informal payments to expedite the emigration process. ILO research (2016a) has found that recruitment costs for Pakistani workers migrating to the GCC countries are particularly high, with workers taking an average of eight months of work to recoup the costs of their migration. The study also found that the role of unregistered and illegal intermediaries contributes significantly to the high cost of migration – in the cases surveyed, 80 per cent of the recruitment cost was paid to an agent to facilitate obtaining a work permit. High migration costs are a particular concern, as when combined with low wages may lead to a situation of debt bondage – an indicator of forced labour.

Unregistered brokers (sub-agents) active in the recruitment process

While the Emigration Rules, 1979 (Clauses 7 and 11) prohibit OEPs from subcontracting to unlicensed agents, in practice, the demand for recruitment services is so strong (both among OEPs and aspiring migrant workers), that their role is prevalent. There are intersecting reasons for this phenomenon. Firstly, most OEPs are based in large cities, and may consider it financially unviable to have branch offices (although legally they are allowed to open two). To address this gap, many OEPs find it most cost effective to rely on brokers to reach out to aspiring migrants at the local level in rural

areas. Conversely aspiring migrant workers rely on brokers from their communities to navigate the bureaucratic and administrative challenges associated with the migration process. The brokers are able to match them with OEPs and, sometimes directly with a recruitment/ placement agent in the country of destination. These brokers are unlicensed and unregistered – meaning that they operate outside the realm of regulatory policies governing OEPs. The brokers have been associated with charging excessive fees to migrant workers, as well as failing to provide accurate information about their working conditions.

Inadequate or lack of pre-departure training for migrant workers

Pakistani migrant workers are vulnerable to exploitation partly due to a lack of or inadequate pre-departure orientation training or information. The Protectorate of Emigrants Office (POE) itself has a limited capacity to provide mandatory pre-departure orientation and training. Furthermore the POEs are centralized in urban areas while large numbers of migrant workers come from rural areas, which means that financial and time constraints make taking the training a disincentive for workers. OEPs and even unlicensed intermediaries provide basic orientation training to migrants regarding life abroad (for example emigration and employment regulations, support services, culture and practice in the country of destination, how to manage finances etc.). However the content of the curriculum and quality of the training is not standardized and therefore varies.

³ Based on the March 2020 exchange rate.

Box 2: Key REFRAME project partners

Government

- Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD)
- Bureau of Emigration and Overseas Employment (BE&OE)
- Overseas Employment Corporation (OEC)
- Overseas Pakistanis Foundation (OPF)
- Pakistan Bureau of Statistics (PBS) and its provincial offices
- Sustainable Development Goals Units
- National Vocational and Technical Training Commission (NAVTTTC)

Employers' and workers' organizations, including:

- Pakistan Workers Federation (PWF)
- Employers' Federation of Pakistan

Other partners, including:

- Pakistan Overseas Employment Promoters' Association (POEPA)

0.4 per cent of Pakistani migrant workers are women

While more than 11 million Pakistanis migrated abroad for employment within recent decades, the vast majority are men. Between 1971 and 2019, women migrant workers accounted for only 0.4 per cent of all registered migration from Pakistan (40,807 women) (BE&OE, 2019). Of these, 42.5 per cent of the women went to the United Arab Emirates, followed by 35 per cent to Saudi Arabia. The largest category of these women (14 per cent) migrated as domestic workers/housemaids, while over 15 per cent were doctors and nurses (8.4 and 4.4 per cent respectively); 15 per cent proceeded as helpers and general workers; 11 per cent as managers

and around nine per cent as clerical staff (BE&OE, 2019). The low numbers of Pakistani women migrating is contrary to trends in other South Asian sending countries – such as Sri Lanka and Bangladesh – from which high numbers of women migrate to the GCC region.

ILO research (2020a) suggests several reasons for this situation, including sociocultural factors and a lack of agency in decision-making processes within the family context. As per the 1979 Emigration Rules, the minimum age for women to seek a job abroad as a 'housemaid' (domestic worker) is 35 years – with the supposed intention of protecting women from abuse and exploitation. However previous ILO research⁴ has demonstrated that age restrictions on women's migration pushes women into irregular migration pathways, which exposes them to greater vulnerability. A further factor is the role of OEPs. ILO (2020a) suggests that a very small number of OEPs are women, and that they are not actively seeking opportunities for women's labour migration or addressing the needs of women migrant workers.

The research proposes several recommendations, including: improving women's access to information about employment opportunities within Pakistan and abroad; for OEPs to identify a broader range of opportunities for women migrant workers; for the government to ensure that recruitment and placement procedures are gender-sensitive, and therefore meet the specific needs of women migrants and their families; and lastly, supporting a shift in social norms to build a more positive view of Pakistani women joining the workforce (ILO, 2020a). A further critical factor is to ensure that women have equal access to skill development and employment opportunities beyond traditional sectors such as domestic work and the service sector.

⁴ See ILO (2017) *Protected or put in harm's way? Bans and restrictions on women's labour migration in ASEAN countries*; and ILO and Global Alliance Against Traffic in Women (GAATW) (2015) *No easy exit: Migration bans affecting women from Nepal*.

Box 3: Key elements of the Pakistan Emigration Ordinance, 1979.

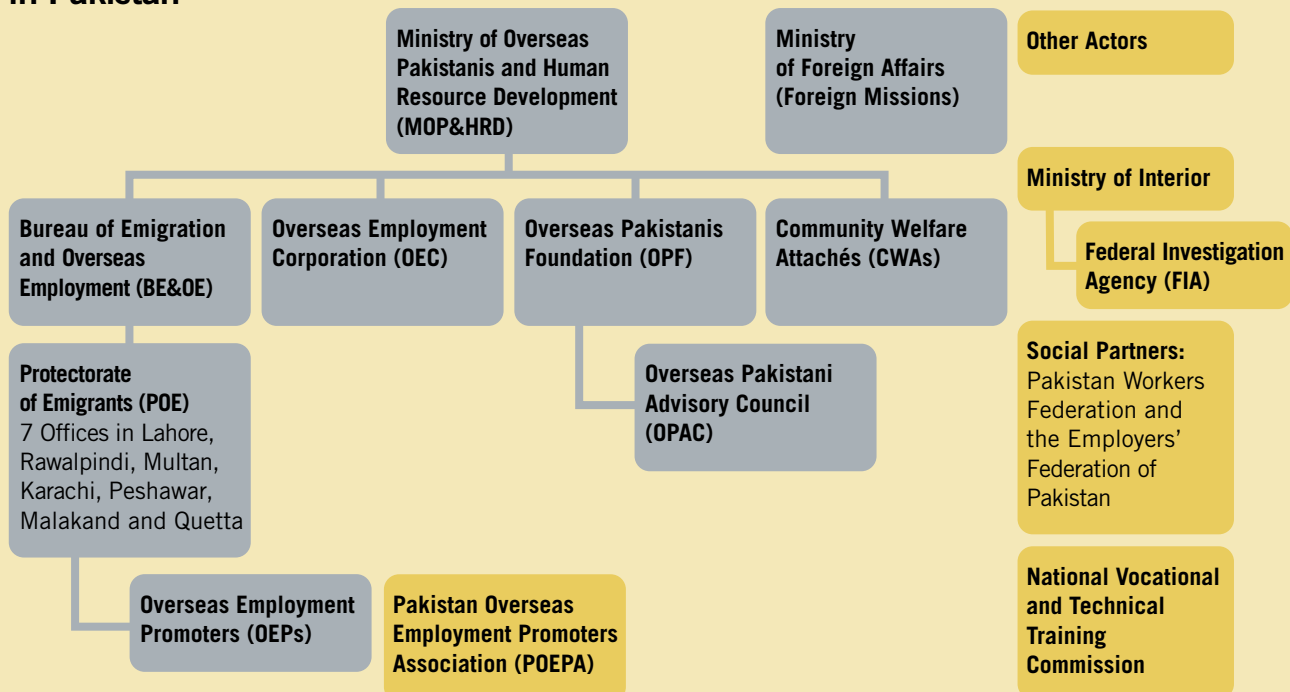
- **A governance structure**, including the process for appointment and powers of the Director General, Bureau of Emigration & Overseas Employment (BEOE), the Protectorate of Emigrants (POE), and Community Welfare Attachés (CWAs).
- **Mechanisms for the regulation** of emigration and the recruitment of emigrants, including the licensing and oversight of Overseas Employment Promoters (OEPs) and agencies; and penalties for recruitment through informal channels.
- **Mechanisms to protect migrants**, including a welfare fund and a mechanism for redressing grievances.

Source: Emigration Ordinance, 1979.

The policy and regulatory landscape

The Emigration Ordinance of 1979 and its accompanying Rules comprise the overarching legal framework governing all forms of overseas labour recruitment and emigration in Pakistan. The Ordinance covers regulation of recruitment (including OEPs and the OEC), costs of migration, administrative procedures, and outlines grievance and mediation mechanisms, as well as prosecution and sanction for abuses. The Emigration Ordinance and Rules however, do not address issues such as skills training, the rights of workers overseas, the needs of women migrant workers, or research and data collection on the labour market. No formal labour emigration policy exists in Pakistan, although several drafts have been tabled. As of February 2020 the draft ‘National Emigration and Welfare Policy’ is awaiting finalization and delivery to cabinet for approval.

Box 4: Government institutions that regulate labour migration and recruitment in Pakistan



Labour migration and recruitment is regulated by a network of government institutions (see Box 4 above). The Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD) is mandated (by the Emigration Ordinance) to seek employment opportunities abroad for citizens, ensure the welfare of workers and their families (within Pakistan and abroad), and coordinate with provincial governments to align the national labour laws with the country's international obligations on labour standards. The MOP&HRD oversees three agencies/departments: the Bureau of Emigration and Overseas Employment (BE&OE); the Overseas Pakistanis Foundation (OPF); and the Overseas Employment Corporation (OEC) and Community Welfare Attachés. The Bureau of Emigration and Overseas Employment oversees seven Protectorate of Emigrants Offices in Lahore, Rawalpindi, Multan, Karachi, Peshawar, Malakand and Quetta.

The recruitment industry in Pakistan has grown dramatically over the years and is comprised of 2,062 active private licenced recruitment agencies and one public agency (BE&OE, 2019). A network of informal (and illegal) intermediaries also operates in many regions of the country from where emigration is common. These agencies and intermediaries link workers with employers abroad for a fee that is typically charged to the workers, but sometimes to employers, or to both. The BE&OE issues licenses to private overseas employment promoters (OEPs) and regulates and monitors the emigration of workers who migrate directly or with assistance of OEPs. The BE&OE also manages a grievance mechanism to allow migrant workers to lodge complaints against foreign employers, OEPs and CWAs who have not fulfilled their obligations. The BE&OE also collects data and generates annual reports on flow and trends of international labour migration from Pakistan.

The OEC is the only public sector agency that facilitates recruitment of workers for employment abroad. The OEC has one office in Islamabad and regional offices in four provincial capitals (Lahore, Karachi, Quetta and Peshawar) and keeps a roster of registered workers across different skill levels. The OEC manages all components of the labour migration process, including advertisement of overseas jobs, interviews with employers, skills testing, travel arrangements, protection, pre-departure orientation, language trainings and complaints registration. However many migrant workers prefer to seek the support of private Overseas Employment Promoters (OEPs) to obtain employment, due to their expanded network across Pakistan.

Pakistan has signed Memorandums of Understanding to facilitate labour migration with several countries of destination since the 1970s.⁵ However the majority of the agreements were not developed through tripartite consultation and are not publicly available. Furthermore, little is known about their provisions and means for monitoring implementation.

Regarding workers' welfare, Community Welfare Attachés (CWAs) based in 15 Pakistani missions abroad are responsible for ensuring the safety and protection of workers, dispute resolution and intermediation services when migrant workers file complaints against their employers, and gathering information on jobs and in-demand skills in receiving countries. The effectiveness of the CWAs is dependent upon their capacity to handle complaints effectively and the diplomatic relations with the host country. Many migrant workers report that embassies/attachés have limited capacity to provide them with support and view them mainly as a resource for administrative tasks such as renewing passports.

⁵ For example, with Bahrain (2014), Italy (2009), Jordan (1978), the Republic of Korea (2006), Kuwait (1995, revised in 2013), Libya (2009), Malaysia (2003), Qatar (1987, revised in 2008), and the United Arab Emirates (2006).

The Overseas Pakistanis Foundation (OPF) supports the welfare of overseas Pakistanis and their families. They provide a range of services including (but not limited to): education schemes, residential schemes, health care, financial assistance, facilitating remittances, support to victims of emergencies, and assistance in recovering the outstanding benefits of repatriated Pakistani workers. Migrant Resource Centres (MRCs) operate in Islamabad and Lahore, providing counselling and guidance to potential migrant workers.⁶

At the global level, Pakistan is engaged with the Global Compact for Migration, and at a regional cooperation level, with the Colombo Process, a regional consultative process among countries of origin in Asia; as well as the Abu Dhabi Dialogue, a voluntary, non-binding intergovernmental consultative process concerning labour migration from South Asia to the GCC countries. Pakistani social partners are also engaged with the South Asian Forum of Employers (SAFE) and the South Asian Regional Trade Union Council (SARTUC).

Facilitating access to justice for migrant workers

Several mechanisms to facilitate access to justice exist for Pakistani migrant workers both in Pakistan and abroad, including several digital platforms. The BE&OE website includes a complaints feedback form. In 2018, the Prime Minister launched the app 'Pakistan Citizens' Portal' to register and address grievances, and in 2019 the MOP&HRD launched the 'Call Sarzameen' app/website to register and track complaints made by overseas Pakistanis. The Punjab Information Technology Board and Overseas Pakistanis Commission facilitate the '[Overseas Pakistani's Complaint Portal](#)'.

The seven Protectorate of Emigrants Offices are able to receive complaints related to OEPs and recruitment agency practices. A Grievance Commissioner Cell for Overseas Pakistanis was established by the Federal Ombudsman to facilitate remittance-related complaints. The Federal Investigation Agency also plays a role, including through dedicated hotlines to receive complaints. In countries of destination, Pakistani consulates and the associated Community Welfare Attachés can receive complaints from workers. Further efforts are required to facilitate transnational access to justice – ensuring that migrant workers who have left the country of origin and returned to Pakistan are still able to access complaints and remedy.

Role of workers' organizations

Being the primary advocates of workers' rights and interests, workers' organizations have a key role in promoting a rights-based approach to fair recruitment practices through providing essential information and services to migrant workers, advocating for their rights at different levels and influencing policy reform, as well as actively monitoring recruitment practices. While trade unions in Pakistan have a long history of engaging with workers, the coordination and actions of trade unions on the issue of labour migration has been limited. Since most of the laws in many GCC countries do not allow for the formation of workers' organizations or for migrant workers to join or lead them, extending support to migrant workers in the destination countries is difficult. However strengthening trade union representation could contribute significantly towards stronger advocacy initiatives to support migrant workers to make better informed decisions on safe and regular migration. In this context, the Pakistan Workers Federation is supporting its affiliates to provide reliable information and services to prospective and

⁶ Two MRCs were established by the ILO and the International Centre for Migration Policy Development in 2015, with the support of the European Union. The establishment of an additional five MRCs in high-migration districts is planned.

returned migrant workers through awareness raising sessions in the community, trade union meetings, and counselling at Resource Centres for Migrant Workers at 30 district offices of the PWF; and remotely through the PWF website and social media.

REFRAME project priorities for action in Pakistan

The REFRAME project operates in Pakistan within the framework of the Decent Work Country Programme for Pakistan (2016-22)⁷ Outcome 3.4: Safe and fair labour migration promoted and Outcome 4.4: Social protection coverage to informal sector extended (e.g. agriculture, domestic home based and migrant workers). The project also contributes to Sustainable Development Goal 8 to “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” and Goal 10 to “reduce inequality within and among countries”, through the United Nations Sustainable Development Framework for Pakistan (2018-2022).

The REFRAME project is working with the Pakistani government and social partners to address the key recruitment and labour migration challenges. Specifically, the project is working on:

- Technical review of **National Emigration and Welfare Policy** to make it aligned with international frameworks including ILO’s General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.
- Institutional capacity building of workers’ organizations and civil society organizations to deliver **awareness raising sessions on fair recruitment** to promote safe, orderly and regular migration at the national and grassroots level.
- Capacity building of relevant actors including the Protectorate of Emigrants Offices and Overseas Employment Corporation on provision of standard **pre-departure orientation and training sessions**.
- Improving **access to justice** through awareness raising on grievance/complaint mechanisms for migrant workers and their families (in countries of origin and destination).
- Advocating with the Pakistan Overseas Employment Promoters’ Association (POEPA) on promoting fair recruitment practices through voluntary adoption and implementation of **Code of Conduct for Fair and Ethical Recruitment**.
- Capacity building of the National Statistical Offices, the Bureau of Statistics (Federal and Provincial), the Bureau of Emigration and Overseas Employment, the Overseas Employment Corporation, Sustainable Development Goal (SDG) units and ILO’s constituents on **data collection and analysis of recruitment costs** – using the SDG methodology on indicator 10.7.1 (recruitment cost borne by employee as a proportion of monthly income earned in country of destination); and through the annual Labour Force Survey.
- Advocating with Members of Parliament and Punjab Provincial Assembly on taking legislative and non-legislative measures to promote fair recruitment of migrant workers.
- Capacity building of **media** to promote fair recruitment and safe, orderly and regular labour migration; and to improve the quality of research and reporting on forced labour and fair recruitment.
- Mapping the National Qualifications Frameworks to facilitate harmonization of **National Qualifications Frameworks** with the Regional NQFs.

⁷ The Decent Work Country Programme for Pakistan was extended from 2016-20 to 2016-22 to align with the United Nations Sustainable Development Framework for Pakistan.

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Notes

Notes

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