



► Promising practices for fair recruitment

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India – Blacklisting employers and recruiters abroad to protect Indian migrant workers

Key points

- The system blacklists foreign companies and agencies that violated the rights of Indian migrant workers in cases where labour grievances could not be resolved through the Indian recruiter
- Blacklisted foreign employers and agencies are prevented from recruiting migrant workers from India
- The threat of sanctions against Indian recruiters incentivizes them to carry out due diligence of foreign employers and agencies
- Replication by other countries of origin could create pressure on employers in destination countries to adhere to recruitment and employment standards

Focus

FRI pillar: Improving laws, policies and enforcement

Sectors: All

Country: India

Responsible organizations: Ministry of External Affairs, Government of India

Description of the practice

The Government of India has created a system for blacklisting foreign employers/recruitment agencies that have violated the rights of Indian migrant workers. If there is a complaint of rights violations against a foreign employer/agency by migrant workers, the Indian recruiter is expected to resolve the complaint as the first step. The recruiter can face suspension of license or even forfeiture of bank guarantee if at fault. This serves as an incentive for Indian recruiters to carry out due diligence of foreign employers/ agencies.



Migrant workers from South and Southeast Asia are seen having their lunch break in a garment factory in Jordan. © ILO

Proof of impact/progress

The migration clearance system blocks unscrupulous employers and agencies from recruiting from India, preventing and protecting future migrant workers from possible exploitation by these employers and agencies. Transparency is maintained by making the list of the Prior Approval Category (PAC) - of employers involved in recruitment irregularities publically available on the government website.

In January 2021, there were 706 employers and agencies from 16 countries on the PAC list. The list includes individual employers as well as small, medium and large established businesses and even multinationals. Some of these companies are even ISO certified and recipients of large government contracts, and their listing puts pressure on them to address recruitment related irregularities.

Other promising features

Potential for replication

Nepal and the Philippines have similar lists of employers/recruiters abroad who have violated the rights of migrant workers. Replicating this initiative in other countries of origin, and through initiatives such as the Colombo process, could create pressure on employers in destination countries to adhere to recruitment and employment standards.

Novelty/level of innovation

This practice provides a simple yet effective means to put pressure on employers and encourages Indian recruiters to perform due diligence before engaging with foreign employers/recruiters. By making the information publicly available, it also creates opportunities for sharing information with other origin countries and protecting all migrant workers from such employers.

Non-discrimination/inclusion of hard to reach and/or most vulnerable migrants

Employers at destination who commit rights violations and are recalcitrant to resolve issues may try to approach the least informed and most vulnerable groups of workers.

The electronic clearance system at origin automatically prevents such employers from recruiting from India, thereby protecting the most vulnerable Indian migrants.



Migrant workers fasten metal rods together at a construction site, Qatar. © ILO/Apex Image

Resources

PAC list at:

<https://emigrate.gov.in/restricted/pacList.action>

[ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs \(GPOG\)](#).

Five years of the Fair Recruitment Initiative

- This promising practice is part of a series, and results from a stocktaking exercise undertaken five years after the launch of the Fair Recruitment Initiative (FRI).
- The FRI aims to ensure that recruitment practices nationally and across borders are grounded in labour standards, developed through social dialogue, ensure gender equality. Specifically, they:
 1. Are transparent and effectively regulated, monitored, and enforced;
 2. Protect all workers' rights, including fundamental principles and rights at work (FPRW), and prevent human trafficking and forced labour; and
 3. Efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

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