

JOB OPPORTUNITIES



DECENT WORK



BETTER LIVELIHOODS

1

WHY FAIR RECRUITMENT MATTERS



International Labour Organization



International Training Centre

Copyright © International Labour Organization, 2018.
© International Training Centre of the ILO, 2018.

First published 2018
Second published 2021

The project is financed by the EU

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Training Toolkit on Establishing Fair Recruitment Processes – Module 1: Why fair recruitment matters

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Information on ILO publications and digital products can be found at: www.ilo.org/publns.

Design and layout by the International Training Centre of the ILO, Turin – Italy

TABLE OF CONTENTS

General objectives	4
Introduction	5
Topic 1: Facts and figures on international recruitment.....	6
A. Fair recruitment in context	6
B. Abusive recruitment practices and the risk of forced labour	7
C. What does fair recruitment entail in practice?	9
D. Who are the main actors involved in establishing fair recruitment?.....	9
Topic 2: Fair recruitment and the 2030 Sustainable Development Goals	11
A. Fair recruitment and SDGs 8, 10 and 17	11
B. Measuring the costs of recruitment.....	12
Topic 3: Establishing fair recruitment processes: Challenges and opportunities	15
A. The International Labour Organization’s Fair Recruitment Initiative	15
B. The role of social dialogue in establishing fair recruitment processes.....	19
Key learning points	21
Test your knowledge	22
Training activities	25
Resources	30

GENERAL OBJECTIVES



By the end of this module, participants will be able to:

- Describe the key features of the international recruitment landscape
- Define the key actors and processes related to recruitment
- Identify the main abusive and fraudulent practices that can occur throughout the recruitment process and the risks they pose for forced labour and human trafficking
- Understand how fair recruitment contributes to achieving the 2030 Sustainable Development Goals
- Get introduced to the main recruitment costs borne by workers
- Become familiar with the ILO's Fair Recruitment Initiative and its technical cooperation projects in specific recruitment corridors
- Highlight the role of social dialogue in the establishment of fair recruitment processes, including in time of crisis, such as the COVID-19 pandemic.



INTRODUCTION

The first module of the toolkit on Establishing Fair Recruitment Processes aims to introduce the main concepts related to fair recruitment and the key features of the international recruitment landscape. In doing so, the module provides the tools necessary to tackle the other modules, which will focus on the legal, normative, and regulatory framework for fair recruitment, mechanisms for monitoring and enforcing recruitment, and specific strategies that can be undertaken within the business and private sector engagement for promoting fair recruitment.

The first module will address the following aspects:

- The first topic provides **KEY FACTS AND FIGURES ON INTERNATIONAL RECRUITMENT**;
- The second topic examines **THE RELATIONSHIP BETWEEN FAIR RECRUITMENT AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**;
- The third and final topic addresses **THE CHALLENGES AND OPPORTUNITIES RELATED TO ESTABLISHING FAIR RECRUITMENT PROCESSES**.



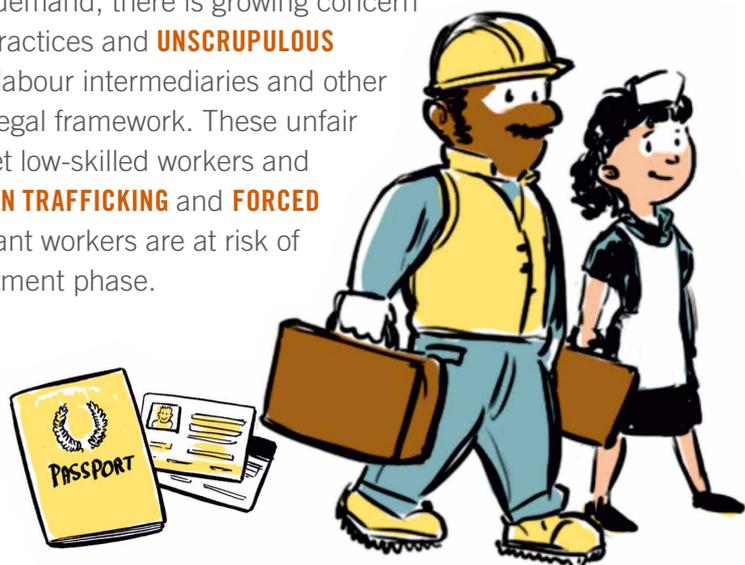
TOPIC 1: FACTS AND FIGURES ON INTERNATIONAL RECRUITMENT

A. FAIR RECRUITMENT IN CONTEXT

In today's global economy, workers are increasingly in search of decent work and better livelihoods beyond their home countries. There are currently an estimated **258 MILLION INTERNATIONAL MIGRANTS** and **740 MILLION INTERNAL MIGRANTS** in the world. Women make up nearly half of all international migrants (**48.4 PER CENT**).

International law entitles all workers to protection from abuse and exploitation under the law of the state where it is performed, regardless of the legality of the work they perform, whether it takes place in the formal or informal economy, or whether the worker has an established right to work in the country concerned. However, laws and standards relating to recruitment often fall short of protecting workers, especially migrant workers. Even when laws exist, implementation and enforcement are often weak.

The recruitment landscape today is increasingly complex and involves a wide range of actors, both regulated and unregulated. In a number of instances, recruitment is undertaken by public employment services and regulations may require that these are the only entities allowed to operate. In many parts of the world, however, recruitment through private employment agencies is on the rise. In 2013, there were almost **260,000 PRIVATE EMPLOYMENT AGENCIES** worldwide. While private recruitment agencies can play a positive role in matching labour supply and demand, there is growing concern about exploitative recruitment practices and **UNSCRUPULOUS EMPLOYMENT AGENCIES**, informal labour intermediaries and other actors operating outside of the legal framework. These unfair recruiters tend to primarily target low-skilled workers and often place them at risk of **HUMAN TRAFFICKING** and **FORCED LABOUR**. Both national and migrant workers are at risk of facing abuses during the recruitment phase.





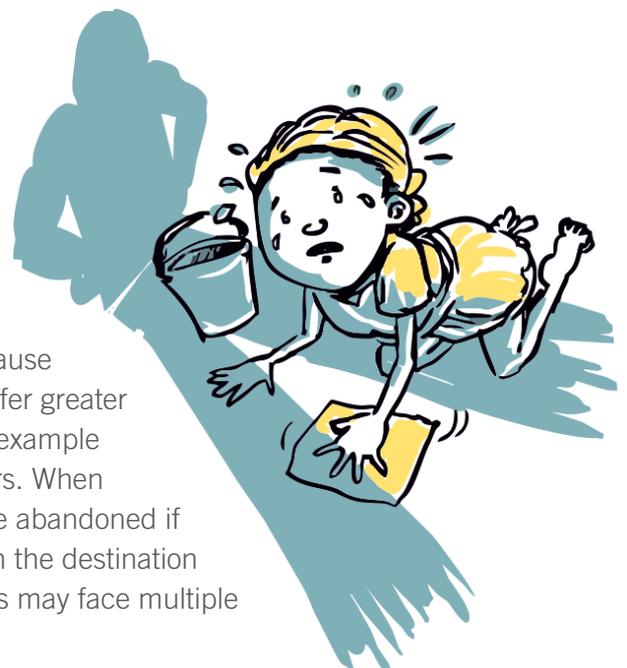
B. ABUSIVE RECRUITMENT PRACTICES AND THE RISK OF FORCED LABOUR

As the first step of a prospective worker's efforts towards obtaining decent work, recruitment sets the tone for the employment experience that lies ahead. Indeed, unfair recruitment rarely leads to decent work and employment, but rather heightens the risk of being subjected to forced labour. Below are some of the most common forms of abuse and exploitation that can occur in all phases of the recruitment process:

- Charging recruitment fees to workers;
- Threats and intimidation, including verbal and psychological abuse;
- Deception with regards to contracts, working and living conditions, as well as failure to disclose relevant information;
- Restriction of freedom of movement;
- Retention of identity documents with the aim of controlling jobseekers;
- Physical and sexual violence;
- Recruitment below working age;
- Recruitment of workers into hazardous and unsafe work.

A combination of these fraudulent and abusive recruitment practices could amount to the crimes of forced labour and trafficking in persons if the end result of the recruitment process is exploitation. The International Labour Organization estimates that **40.3 MILLION PEOPLE ARE TRAPPED IN FORCED LABOUR, HUMAN TRAFFICKING OR SLAVERY-LIKE CONDITIONS** worldwide, with victims to be found in every region of the world. Ninety per cent of the 40.3 million victims are exploited in the private economy, while 44 per cent are internal or international migrant workers.

Women, and in particular migrant women, are at a disproportionate risk of facing abuses in recruitment and placement, whether it be in the country of origin, transit, or destination. During preparation for departure, women are sometimes detained by recruiting agents for training, during which time they may be subject to financial, physical, sexual or psychological abuse. Exploitative fees may be charged by recruiting agents, which sometimes cause women, who generally have fewer assets than men, to suffer greater financial hardships and make them more dependent, for example if they need to borrow from family, friends or moneylenders. When travelling with an agent or escort, women migrants may be abandoned if the agent encounters problems in transit or upon arrival in the destination country. Once they reach the destination, women migrants may face multiple



forms of discrimination or exploitation on the basis of their gender, race or nationality. In certain occupations, they may have trouble obtaining binding contracts setting out the terms and conditions of work, causing them to work for long hours without payment of overtime. If they are heavily burdened with debt from recruitment fees, women workers may not be able to leave abusive situations. Their access to justice and complaints mechanisms may be restricted. This is especially true of domestic workers, who carry out their responsibilities within a household setting and therefore face difficulties in obtaining remedies for recruitment-related abuses.

Workers' reliance on labour intermediaries or other third-party actors is considered to heighten the risk of their being abused. Private employment agencies in countries of origin and destination vary in size, professionalism and mode of operation. Those that have a good track record seek to provide adequate and accurate information to both workers

and employers. However, the most unscrupulous ones realize that there are enormous profits to be made by charging fees, not only to employers and private employment agencies based in the destination countries, but also to prospective migrants who are willing to pay fees to be selected or to accelerate the process – in spite of the fact that international labour standards prohibit recruitment agencies from charging fees to workers.

However, this international norm is often ignored in practice. It is estimated that migrant workers pay between **5 AND 10 BILLION DOLLARS IN ILLEGAL RECRUITMENT FEES EVERY YEAR** and that **FORCED LABOUR GENERATES 150 BILLION DOLLARS OF ILLICIT PROFITS ANNUALLY**.



The relationship between unfair recruitment and forced labour

In its 2009 Global Report on Forced Labour, the ILO highlighted the relationship between inadequate recruitment mechanisms and forced labour, stating that “there is growing awareness that many present-day arrangements for recruiting temporary workers display serious deficiencies. In part, these derive from loopholes in existing labour laws, which fail to articulate the respective responsibilities of recruitment agents and final employers in providing safeguards against abusive practices, including forced labour. There are also many cases where detailed regulation on fee charging is simply not enforced and workers can, in practice, find themselves paying ten times or more the maximum amount provided for in national laws and regulations.”

Governments, social partners and key stakeholders have shown a commitment to responding to the multiple forms and processes of human trafficking for forced labour. The 2000 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children gave a clear and growing impetus to the fight against human trafficking. At the same time, it is important to broaden the prism through which human trafficking is seen and recognize the close relationship between human trafficking, international recruitment and labour migration, and the role that current labour migration governance systems play in allowing trafficking to persist.

C. WHAT DOES FAIR RECRUITMENT ENTAIL IN PRACTICE?

While there is no internationally agreed definition of the term ‘fair recruitment,’ it can generally be understood to mean recruitment carried out within the law, in line with international labour standards and with respect for human rights, without discrimination on the basis of gender, ethnicity, national or legal status. It should be at no cost to workers and should protect them from exploitative situations. This means that governments need to translate international standards into effective laws and regulations, and to implement and enforce them effectively. Segments of the population in particularly vulnerable situations, including women workers, migrant workers, domestic workers, workers in the informal economy and others, should be provided with additional protection against abuses. Fair recruitment also entails due diligence in respect of human rights and access to dispute-resolution mechanisms and remedies where abuse is alleged to have occurred. Workers’ and employers’ organizations, by engaging in social dialogue and training, and raising awareness among their constituent members, can play a pivotal role in promoting fair recruitment practices.



The ILO’s General Principles and Operational Guidelines for Fair Recruitment (2016), by consolidating the core principles associated with fair recruitment and laying out the responsibilities of the various actors involved in the recruitment process, are an important step towards fleshing out the concept of fair recruitment.

D. WHO ARE THE MAIN ACTORS INVOLVED IN ESTABLISHING FAIR RECRUITMENT?

Fair recruitment is a multi-stakeholder endeavour involving a number of different actors. In this sense, partnership and social dialogue are key to promoting pertinent policies, initiatives and practices with a view to establishing fair recruitment. The actors involved may be listed as follows, with their respective roles in promoting fair recruitment:



ACTOR	ROLE
National authorities (origin and destination countries)	<ul style="list-style-type: none"> ■ Define the policy framework for recruitment ■ Regulate recruitment processes ■ Inspect potential abuses and provide redress for violations ■ Enter into bilateral/multilateral agreements with the national authorities of origin country
Employers	<ul style="list-style-type: none"> ■ Employ workers
Labour recruiters	<ul style="list-style-type: none"> ■ Offer labour recruitment and placement services
Trade unions / workers' organizations	<ul style="list-style-type: none"> ■ Advocate ■ Include fair recruitment provisions in collective bargaining agreements
Employers' organizations and associations	<ul style="list-style-type: none"> ■ Train and raise awareness of fair recruitment principles among their members
NGOs	<ul style="list-style-type: none"> ■ Develop projects and initiatives ■ Advocate
Individual workers	<ul style="list-style-type: none"> ■ Seek decent work and better livelihoods for themselves and their families ■ Work ■ Contribute to social security systems ■ Respond to labour shortages ■ Develop their skills, knowledge and employability ■ Organize and bargain collectively
The media	<ul style="list-style-type: none"> ■ Share information ■ Shape public perceptions of workers and fair recruitment processes
Academi	<ul style="list-style-type: none"> ■ Produce data and information



TOPIC 2: FAIR RECRUITMENT AND THE 2030 SUSTAINABLE DEVELOPMENT GOALS



A. FAIR RECRUITMENT AND SDGS 8, 10 AND 17



What are the 2030 Sustainable Development Goals?

The 2030 Agenda for Sustainable Development, containing 17 Sustainable Development Goals, is a plan of action for people, planet and prosperity. It seeks to strengthen universal peace in greater freedom. Its creators recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. All countries and all stakeholders, acting in partnership, are expected to implement this plan. The 17 Sustainable Development Goals and 169 targets demonstrate the scale and ambition of this new universal Agenda. They seek to build on the Millennium Development Goals and complete what these did not achieve. They aim to realize the human rights of all and to achieve gender equality and the empowerment of women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: economic, social and environmental.

SUSTAINABLE DEVELOPMENT GOAL 8 of the 2030 Agenda, on decent work and economic growth, includes targets that are intimately linked to fair recruitment as an indispensable means of creating decent work and promoting sustainable development:

- Target 8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.
- Target 8.6: By 2020, substantially reduce the proportion of youth not in employment, education or training.
- Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.
- Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

Secondly, establishing fair recruitment practices will also contribute to the achievement of **SUSTAINABLE DEVELOPMENT GOAL 10**: “Reduce inequalities within and between countries.”

- Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.
 - Indicator 10.7.1: Recruitment cost borne by employee as a proportion of yearly income earned in country of destination.
- Target 10.C: By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.
 - Indicator 10.C.1: Remittance costs as a proportion of the amount remitted.

Finally, fair recruitment will also promote **SUSTAINABLE DEVELOPMENT GOAL 17**: “Strengthen the means of implementation and revitalize the global partnership for sustainable development.”

- Indicator 17.3.2: Volume of remittances as a proportion of total GDP.

B. MEASURING THE COSTS OF RECRUITMENT

Workers, especially the low-skilled, are often burdened with heavy costs during the recruitment phase. Recruitment costs are a significant subset of migration costs. Since 2013, the ILO, working in conjunction with the Global Knowledge Partnership on Migration and Development (KNOMAD), has conducted a series of surveys of low-skilled migrant workers, with the aim of collecting data on the costs incurred by workers in obtaining jobs abroad in major cross-border migration corridors. This effort was motivated by the need to systematically document and study such costs, with an aim of informing discussion and initiatives to lower the recruitment costs paid by workers. A complementary task, based on this data, is to develop a methodology for monitoring recruitment costs for SDG indicator 10.7.1. The data generated by these surveys provide striking figures on the high costs of migration for low-skilled workers.

The World Bank-ILO/KNOMAD method of measuring recruitment costs included the following migration-related costs: recruiter/job-broker charges, visa fees, inland transportation expenses, international transportation, passport fees, medical fees, insurance fees, security clearance fees, pre-departure briefing, language training, skills assessment fees, contract approval fees, exit approval fees, welfare fund fees, employer recruitment costs deducted from salary, and debt repayments.

Destination	Origin	Total recruitment costs		Average monthly earnings in destination (US\$)
		Average (US\$)	In months of earnings in destination (averages)	
Saudi Arabia	Pakistan	4,395	10.6	469
	Ethiopia	991	3.6	340
Qatar	India	1,149	2.0	592
	Philippines	480	1.1	469
	Nepal	1,054	3.3	339
Kuwait	Bangladesh	3,136	9.0	347
	India	1,248	2.5	494
	Sri Lanka	319	0.9	339
UAE	Pakistan	2,351	7.2	394
Spain	Bulgaria	201	0.2	1,300
	Ecuador	1,032	0.8	1,300
	Morocco	333	0.3	1,300
Korea	Indonesia	1,506	1.3	1,200
	Thailand	1,466	1.2	1,200
	Vietnam	1,582	1.3	1,200
Malaysia	Vietnam	1,382	4.2	353

Worker-paid costs: origin and destination countries relative to average earnings in destination

Data from the ILO/KNOMAD surveys shows that in the South Asia-Gulf Cooperation Council labour migration corridor, recruitment costs can amount to nine months or more of average monthly earnings, whereas migrant workers going to Spain incurred recruitment costs of less than one month's average monthly earnings. This disparity demonstrates that the migration corridor is one of the most important determinants of the recruitment costs incurred by workers. The results can be explained in part by structural factors, such as the type of labour migration regime in place, the degree of harmonization of national regulations and enforcement mechanisms between origin and destination countries, and the kind of labour recruiters involved. Another related finding is that costs vary greatly within the same migration corridor, depending on the migrant's country of origin.

Moreover, the level of recruitment costs is unrelated to job quality or wage levels at destination. The research also reveals that workers with more education, involvement in social networks or previous experience of working abroad, as well as women workers, pay less than first-time men migrants without links to migration networks. Irregular migrants also incur higher costs than regular migrants. The lower costs incurred by women may be partially explained by their more limited access to family resources, as well as the fact that they take up occupations that are less desirable as compared with their male counterparts. However, the lower recruitment costs borne by women are offset by poorer conditions and longer working hours.

TOPIC 3: ESTABLISHING FAIR RECRUITMENT PROCESSES: CHALLENGES AND OPPORTUNITIES

A. THE INTERNATIONAL LABOUR ORGANIZATION'S FAIR RECRUITMENT INITIATIVE

In 2014, the International Labour Organization launched the **FAIR RECRUITMENT INITIATIVE**, a multi-stakeholder initiative and an integral part of the Fair Migration Agenda, implemented in close collaboration with governments, representatives of workers' and employers organizations, the private sector and other key partners. It aims to respond to existing challenges in establishing fair recruitment processes. In particular, the Fair Recruitment Initiatives' objectives are to help prevent human trafficking and forced labour, protect workers from abusive practices during the recruitment process, and reduce the costs of migration while enhancing development outcomes for migrant workers and their families.

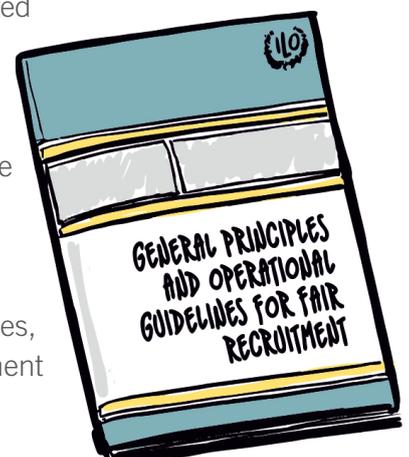
1. Enhance global knowledge of national and international recruitment practices

The Initiative aims to undertake studies of recruitment in migration corridors and in labour-intensive sectors, with the focus on (1) good policies, laws and enforcement mechanisms that have had an impact on the reduction of trafficking; (2) economic determinants of informal/formal recruitment and measurement of recruitment costs; and (3) alternatives to private employment agencies (i.e. public employment agencies, workers' cooperatives, and direct recruitment by accredited employers).



2. Improve laws, policies and enforcement to promote fair recruitment

The Fair Recruitment Initiative supported the development, in 2016, of the **GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT**. It conducts promotional campaigns for the ratification of key conventions, including **FUNDAMENTAL ILO CONVENTIONS** for the protection of workers, including migrant workers. It also supports capacity-building to equip legislators to better regulate public and private employment agencies, and offers trainings to **LABOUR INSPECTORS** on how to strengthen enforcement of recruitment norms.



3. Promote fair business practices

The Initiative will convene stakeholder consultations led by the social partners to map existing tools, including detailed guidance on fair recruitment. It will support models that undertake **DUE DILIGENCE IN RESPECT OF HUMAN RIGHTS** in a number of pilot countries and sectors.



4. Empower and protect workers

The Fair Recruitment Initiative supports the compilation and promotion of examples of good practice, in particular **SOCIAL DIALOGUE MECHANISMS** that have effectively addressed unfair recruitment practices. It provides assistance to trade unions and affiliated organizations in supporting the organization of migrant workers and protecting their rights. It supports cooperation between trade unions and civil society actors in conducting campaigns for structural changes in the recruitment process.

ILO technical cooperation projects, including FAIR, REFRAME and TRIANGLE

For many decades, the ILO has provided technical support at the national and regional level for the design and adoption of sound national policies regulating recruitment. The Fair Recruitment Initiative provides an overarching framework to these operational country-level activities and seeks to enhance their impact and scalability. At the global level, the ILO implements two key programmes, FAIR & REFRAME. These two projects aim to prevent and reduce abusive and fraudulent recruitment practices, and maximize the protection of migrant workers in the recruitment process, and their contribution to development, by:

- Testing fair recruitment pilot interventions across migration corridors;
- Enhancing the capacities of social partners, business, civil society organizations and the media, and providing them with tools to deliver better information and services to migrant workers throughout the recruitment process;
- Producing and disseminating global knowledge about fair recruitment.

At the regional level, the TRIANGLE in ASEAN project implemented in Cambodia, Indonesia, Myanmar, the Lao People's Democratic Republic, the Philippines, Thailand and Vietnam aims to significantly reduce the exploitation of labour migrants in the region

through improved legal provisions, safe-labour policies and labour protection. The project's main objectives are to strengthen the regional legal and policy framework governing labour migration and protect the rights of migrant workers in a gender responsive manner; to enhance the capacity of governments to oversee the enforcement of labour and migration laws and regulations; and to enhance the capacity of social partners to influence migration policy and protect the rights of men and women workers.



5. Respond to and manage crisis: The COVID-19 example

During a global crisis that has a significant impact on the functioning of labour markets and impacts international labour mobility, such as the COVID-19 pandemic, the implementation of agreed international labour standards, in particular the ILO Employment Service Convention, 1948 (No. 88) and ILO Private Employment Agencies Convention, 1997 (No. 181), in addition to General Principles and Operational Guidelines on Fair Recruitment is essential. This can ensure that the recruitment process of workers, especially migrant workers, is organized in a way that respects the rights of those involved, promotes equality of treatment, addresses the needs of communities of origin and destination, and takes into account the legitimate needs of employers and recruiters.

The COVID-19 pandemic is a challenging crisis for the entire planet, including the world of work. This sanitary crisis has had critical impacts on both the health and the economic situation of workers, affecting labour mobility and recruitment processes, and bringing different challenges from a financial crisis. The pandemic has led to additional challenges for the national and international recruitment of workers such as:

- Delays in recruitment and deployment due to international travel restrictions,
- Lack of financial security and indebtedness due to job losses non-payment of owed wages, and initial payment of recruitment fees and related costs,
- Further erosion of labour rights and working conditions,
- Enhanced risk of abuse linked to recruitment during a crisis,
- Impact on the private recruitment industry, such as increased business costs and loss of revenue
- Challenges to effective government oversight and regulation¹.

Any crisis will bring its share of challenges. Nonetheless, such a crisis should not lead to lowering standards to guarantee fair recruitment. For example, during the COVID-19 crisis, the ILO, through its Fair Recruitment Initiative, monitored how COVID-19 affected international recruitment practices. The ILO conducted rapid assessments with tripartite partners, civil society and the recruitment sector, aiming at identifying measures to develop and strengthen fair recruitment policies, laws and practices, promote rights, strengthen capacities, develop knowledge and build partnerships. Assessments with recruitment agencies were conducted as well as broader rapid assessment exercises on the impact of COVID-19 on migration and recruitment. The ILO continued to monitor recruitment fees and related costs, including through the SDG 10.7.1 methodology.

¹ To know more about these challenges, see: ILO (2020). Ensuring fair recruitment during the COVID-19 pandemic. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748839.pdf

Governments need to work with social partners to protect workers from abuses in these challenging times, and work towards:

- Effective regulation and oversight of recruitment practices
 - Increase inspection and government oversight of recruitment practices and readjusting strategies in line with the crisis realities and to the guidance provided by ILO Convention No. 181.
 - Restitute any recruitment-related costs and fees paid by migrant workers who have not been able to deploy because of the crisis.
 - Ensure that additional health/medical checks imposed on migrant workers are not used to collect information about other pre-existing conditions in order to discriminate against them during the recruitment process.
 - Enhance the capacity of public employment services and private employment agencies to facilitate recruitment, labour market transparency, mobility, and skills-jobs matching, especially for migrant workers who remain in countries of destination but are unemployed.
 - Develop specific recruitment channels into sectors that are considered essential, with full respect of principles of equal treatment and crisis-related safety and sanitary regulations.
- Protection of workers from abusive and fraudulent recruitment practices and advocate for their rights,
 - Governments should consider introducing a policy that relieves migrant workers of the debts they may have incurred during their recruitment and migration, at least in the short and medium term.
 - Recruitment agencies in countries of origin should coordinate with counterparts and/or employers in destination countries to ensure that contracts of workers are fulfilled and workers are safe, especially related to PPE, wages, social security, rest periods, and grievance redress.
 - Governments should ensure that all migrant workers, including those in irregular situations, have access to legal remedies and compensation, including for recruitment-related violations, and interpretive services to assist in their access to justice in these cases (GPOG, General Principle 13).
 - Workers' organizations and civil society organization should continue advocating for the promotion of migrant workers' rights during the crisis.
- Ensuring access to accurate and reliable information and essential services,
 - Governments, employers, enterprises, labour recruiters, and workers organizations' should disseminate clear and accurate information to migrant workers on the crisis and its and associated risks.

- Uphold coordination and communication between tripartite partners, diplomatic missions, and recruitment intermediaries in countries of origin and destination to monitor the recruitment of migrant workers.
- Take measures to support actors that promote fair recruitment.
- Laying the groundwork to enable fair recruitment as economies recover from the crisis.
 - Governments should develop and adapt new technologies to implement e-recruitment systems.
 - Countries of origin and destination should review bilateral labour agreements and standard employment contracts to ensure that social protection measures and conditions for safe return are included in relevant provisions.
 - Continue to deliver training and capacity building for private employment agencies on International Labour Standards and GPOG to ensure smooth resumption of fair recruitment practices (GPOG, General Principle 11).

B. THE ROLE OF SOCIAL DIALOGUE IN ESTABLISHING FAIR RECRUITMENT PROCESSES

In many countries, policies relating to migration and recruitment are largely the domain of ministries of the interior, immigration, labour and foreign affairs. Institutionalized social dialogue on migration and recruitment remains the exception rather than the rule. Bridging this policy gap therefore requires greater recognition that cooperation with social partners can lend legitimacy to labour-migration policies and the governance of recruitment processes by building public trust and support.

STRENGTHENING SOCIAL DIALOGUE is one of the **ILO'S FOUR KEY STRATEGIC OBJECTIVES** for the enhancement of decent work (including fair recruitment), together with the promotion of labour standards, fundamental principles and rights at work, the creation of greater opportunities for secure and decent employment for both men and women, and the coverage and effectiveness of social protection for all.

The crucial aspect of social dialogue is its partnership approach. It starts from the assumption that trade unions and employers' associations acknowledge the existence of a common problem and commit themselves to joint actions to deal with it. Social dialogue is thus a tool for building consensus. Moreover, in its tripartite version, it gives the social partners (trade unions and employers' associations) an instrument for influencing government decisions and lobbying for their interests at the political level.

What is social dialogue?

Social dialogue is defined by the ILO as including all types of negotiation, consultation or simply exchange of information between or among representatives of governments, employers and workers on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist only of bipartite relations between labour and management (or trade unions and employers' organizations), with or without indirect government involvement. Social dialogue processes can be informal or institutionalized, and are often a combination of the two. Social dialogue can take place at the national, regional or enterprise level. It can be inter-professional, sectoral or a combination of these.

The ILO sees two main possible benefits in this dialogue approach: firstly, the democratisation of economic and social policy-making and, secondly, the reduction of social conflicts. Tripartite social dialogue is seen as an inclusive means of democratic decision-making. It can add legitimacy to state actions, as well as to trade unions and employers' associations, which have their own interests to pursue and can benefit from being present at the decision-making table. In both its tripartite and bipartite versions, social dialogue follows a practical, collaborative approach with a view to developing a shared understanding of problems, reaching compromises and making common responses. As a tool for achieving consensus and reducing conflict, it is especially valuable during economic crises and transition periods.

KEY LEARNING POINTS



- **INTERNATIONAL LAWS AND STANDARDS APPLY TO MIGRANT AND NATIONAL WORKERS ALIKE.** Nevertheless, their implementation and enforcement is limited, and they often **FALL SHORT OF PROTECTING WORKERS**, especially migrant workers.
- **WOMEN** face gender-specific risks of abuse at all stages of recruitment and placement, in the countries of origin, transit and destination.
- Challenges in establishing fair recruitment processes are in large part associated with the recent rise of unscrupulous and unregulated **PRIVATE RECRUITMENT AGENCIES** preying especially on **LOW-SKILLED WORKERS**.
- Workers seeking employment are at risk of various forms of abuse, including retention of travel documents, charging of illegal recruitment fees, and physical and emotional violence. These **ABUSES CAN AMOUNT TO FORCED LABOUR AND HUMAN TRAFFICKING** if the end result is exploitation.
- The establishment of fair recruitment processes is a **MULTI-STAKEHOLDER INITIATIVE** involving governments, employers, labour recruiters, workers' organizations, employers' associations and the media.
- The promotion of fair recruitment is directly related to three **SUSTAINABLE DEVELOPMENT GOALS**, namely Goal 8 on decent work, Goal 10 on reducing inequalities, and Goal 17 on strengthening the means of implementation and revitalizing the global partnership for sustainable development.
- A World Bank-ILO/KNOMAD study of the recruitment costs incurred by low-skilled migrants reveals that the **MIGRATION CORRIDOR** is among the most important determinants of costs borne by workers. Costs were found to be as high as nine months' wages in the Pakistan-GCC corridor.
- Although male workers bear higher recruitment costs than women, this is offset by longer working hours and poorer conditions for women.
- Crisis management and responses should always be based on relevant International laws and international labour standards. Even within a crisis, such as the COVID-19 pandemic, the principles for fair recruitment should be implemented and respected by all actors.
- In response to these challenges, in 2014 the ILO launched the **FAIR RECRUITMENT INITIATIVE**, which adopts a four-pronged approach: (1) Enhance global knowledge of national and international recruitment; (2) Improve laws, policies and enforcement to promote fair recruitment; (3) Promote fair business practices; (4) Empower and protect workers.
- Social dialogue refers to **ALL TYPES OF NEGOTIATION, CONSULTATION OR SIMPLY EXCHANGE OF INFORMATION** between or among representatives of governments, employers and workers on issues of common interest relating to economic and social policy.
- Institutionalized social dialogue on migration and recruitment remains the exception rather than the rule. Bridging this policy gap therefore requires greater recognition that cooperation with social partners can lend legitimacy to labour migration policies and the governance of recruitment processes by building public trust and support.

TEST YOUR KNOWLEDGE



What have you learned? Take the quiz below to test your knowledge.

- 1) True/False: Fees and costs in the recruitment phase are a shared responsibility between the recruiter and the prospective worker.
 - a. True
 - b. False
- 2) Fraudulent and abusive recruitment practices can place the worker at risk of forced labour and trafficking.
 - a. True
 - b. False
- 3) _____ bear the highest recruitment costs.
 - a. Female migrant workers
 - b. Low-skilled workers
 - c. High-skilled workers
 - d. Child workers
- 4) What is the ILO's current global estimate for international migrants?
 - a. 740 million
 - b. 232 million
 - c. 258 million
 - d. 70 million
- 5) True/False: An estimated 40.3 million people are trapped in forced labour, human trafficking and/or slavery-like conditions.
 - a. True
 - b. False
- 6) Which Sustainable Development Goals are most closely related to the establishment of fair recruitment? Choose three.
 - a. Goal 10: Reduce inequality within and among countries.
 - b. Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation.

- c. Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable.
 - d. Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all.
 - e. Goal 13: Take urgent action to combat climate change and its impacts.
 - f. Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.
- 7) Which of the following is NOT one of the approaches of the ILO's Fair Recruitment Initiative?
- a. Enhance global knowledge on national and international recruitment practices.
 - b. Improve laws, policies and enforcement to promote fair recruitment.
 - c. Promote fair business practices.
 - d. Empower and protect workers.
 - e. Standardize regulatory models for recruitment at the global level.
- 8) Fair recruitment concerns:
- a. National workers
 - b. Migrant workers
 - c. Both national and migrant workers
- 9) Which of the following types of costs is NOT generally considered to be a recruitment cost?
- a. fees paid to the labour recruiter or agent
 - b. internal transportation
 - c. international transportation
 - d. medical tests
 - e. insurance
 - f. passport fees
 - g. visa fees
 - h. skills tests
 - i. pre-departure briefings
 - j. trade union membership fees

- 10) True/ False: In some migration corridors, such as the Pakistan-Saudi Arabia corridor, recruitment fees can amount to 10 months or more of average monthly earnings.
- a) True
 - b) False
- 11) True/False: The ILO KNOMAD study on recruitment costs revealed that, while men incur higher recruitment fees, women work longer hours and are subjected to worse working conditions.
- a) True
 - b) False
- 12) Which of the following statements about forced labour is TRUE?
- a) Direct recruitment of workers by enterprises increases the risk of falling victim to forced labour.
 - b) Victims of forced labour are exclusively found in the Global South.
 - c) The majority of victims of forced labour are exploited in the private economy.
 - d) Migrants pay between 2 and 5 million dollars in illegal recruitment fees every year.
- 13) In time of crisis, it is ok to put aside fair recruitment practices to accommodate the exceptional circumstances.
- a) True
 - b) False

Correct answers:

1) b; 2) a; 3) b; 4) c; 5) a; 6) a, d, f; 7) e; 8) c; 9) j; 10) a; 11) a; 12) c; 13) b.



TRAINING ACTIVITIES

TRAINING ACTIVITY 1

BREAKING THE ICE AND GETTING TO KNOW EACH OTHER



OBJECTIVES:



- Give an opportunity to participants to get to know each other;
- Understand participants' expectations and clarify whether these expectations can be met or not during the training programme;

INSTRUCTIONS FOR THE TRAINER



Before the activity

Take a flipchart and divide it into four areas (see figure on the right)

In the different areas, write:

- A. Name and organization
- B. Expectations for the course
- C. Contribution to the course
- D. Something about them we wouldn't know until they told us (e.g, favourite sport, preferred hobby, etc...)

A. Name and organization	B. Expectations for the course
C. Contribution to the course	D. Something

During the activity

- Give a flipchart paper with a marker to each participant and tell them they have ten minutes to fill in their own chart by writing or drawing.
- Explain that the chart will be posted on the wall, so they should write in large letters and clearly enough to ensure that the information is readable by other participants.
- Once the preparation time is over, start by presenting your own chart, to provide an example of what is expected from each participant.
- Explain that the presentation time shouldn't be longer than one or two minutes.
- Let participants introduce themselves, while taking note of participants' expectations on a whiteboard or flipchart.
- Once the presentations are over, summarize participants' expectations and explain how they will be met, or not, during this training programme.

TIPS



- Organize this activity at the very beginning of the course, for example after a more formal opening session
- Insist that participants have a maximum of two minutes to introduce themselves, otherwise the overall activity might last too long
- Due to the fact that participants share some personal information (item D of the flipchart), this activity will contribute to encouraging openness and trust within the group

MATERIALS



- One flipchart paper for each participant
- One marker for each participant
- Paste or Scotch tape

TIME



- 5 minutes to present the activity and the four questions to be discussed
- 2 minutes per participant for presentation
- 5 minutes to review and clarify participants' expectations
- 5 minutes to present the course objectives

TRAINING ACTIVITY 2

CASE STUDY



OBJECTIVES:



- To identify various forms of abuse that can occur during the recruitment process;
- To become familiar with the features of a fair recruitment process

INSTRUCTIONS FOR THE TRAINER



Divide the participants into groups of four or five, all the while ensuring that the groups are as heterogeneous as possible (in terms of expertise/ institutional background and country).

Ask the groups to read The story of Rose (Annex) and answer the following questions:

- In your opinion, what are the most important signs of unfair recruitment in Rose's story? Name as many as you can.
- Make it fair! Transform the story above to ensure a fair recruitment process for Rose. Write down what this scenario would look like, reflecting on the following questions:
 - How would that story differ from the current one?
 - What would be the consequences for Rose once she arrives in OLD?
 - If we reflect about Rose's migratory experience and her relationship with her family, what might be different?

Preparation time: 40 minutes (i.e. 20 minutes for each question).

When preparation is over, each group presents its work in the plenary.

Facilitators should correct any wrong information and complete it as needed.

TIPS



Ensure each group is composed of approximately four or five members, as fewer than this may not allow for a fruitful exchange of ideas, while more may mean that some participants do not actively participate in the brainstorming session.

MATERIALS



A copy of Rose's case for each participant

TIME



- 40 minutes preparation time
- 5 minutes per group for presentations
- 10 minutes for Q&A

ANNEX: THE STORY OF ROSE

Rose, aged 21, is the firstborn child in her family. She has five siblings who are still at school. Ever since the death of her father, her family has been facing serious problems in earning a decent livelihood. Her mother is of the view that some of the children should stop going to school and start working in order to help her earn more money. Rose, who is against this, decides to travel abroad in order to ensure that her siblings can continue attending school, thanks to the remittances she sends home. After speaking to her neighbor, Denise, she decides to migrate to the country called OLD. Employers in OLD pay higher wages for similar positions than those in VIEUX and VECCHIO, the two neighboring countries which also recruit healthcare workers.

Her cousin Robert advises her to go to People Power Recruitment (PCM), a recruitment agency, after presenting her with the agency's flyer indicating that it is in possession of a license. The flyer also mentions an impressive list of destination countries, employers and job offers, many of which are based in hospitals or in private households. Robert asks Rose to pay USD 100 in order to facilitate her access to the recruitment agency.

She heads to PCM's office, equipped with her application form, her curriculum vitae and her new passport. When she gets there, she realizes that many men and women are also in line to apply for jobs. It becomes clear to her that competition is very fierce and she begins to worry about not being able to work abroad.

When she finally manages to speak with John, a PCM employee, she is told that PCM will charge USD 1,000 in order to find her a job abroad. She will have to pay at least 20 per cent of the full amount before PCM can begin processing her request. He smiles at her while pointing to the long line of people waiting to be interviewed and says it is up to her to decide, but if she wants PCM to start considering her file for potential jobs as a healthcare worker in OLD – a recruitment process which has already begun— she will have to pay a USD 200 commitment fee. Rose hands USD 200 to John from her meagre savings. John takes the money and asks Rose to present her passport, as well as other documents.

In order to cover the rest of the costs required by PCM, Rose manages to borrow some money from her friend Denise.

Rose returns to PCM the next day. John takes the rest of her money and informs her that she has qualified, and that PCM will be able to relocate her to OLD once she has been granted the visa. John tells her that she also has to pay USD 80 in visa expenses, as well as USD 100 for the pre-departure medical test, which will also serve to confirm that she is not pregnant. He informs her that she will have to pay this fee up front, otherwise it will be deducted from her first salary.

Two weeks later, before leaving, she receives a contract written in the official language of the country OLD, which she does not yet speak; she has just begun to take language courses. She is quite confused because she is required to sign it immediately. She bumps into John in the hallway of PCM, and tells him she does not want to sign it, because she has no idea what is written in the contract.

John assures her that it is a standard employment contract and that nothing special is written in the contract, and that it only indicates her monthly salary (USD 1,000), confirmation that her employer will provide her with accommodation (i.e. a private room) and meals, and the duration of her contract (two years with the possibility of extension to three years). Rose decides to sign the contract and leaves the country the next day.

When she arrives in OLD, Gladys, an employee of HOUSEHOLD SOLUTION (HS) – a local partner of PCM— is waiting for her at the airport. Gladys takes Rose's passport and tells her that it will be given directly to her employer, who will keep it for security reasons.

Gladys also presents Rose with a new contract that she asks her to sign. In the new contract, the monthly salary indicated amounts to USD 600. Rose asks her why it has changed. Gladys says that the difference (USD 400 dollars) will be used to cover her full accommodation at her employer's house, as well as the uniform she will have to wear every day.

After one month's work in the household, Rose has not yet been able to take a day off, and the language course she was supposed to follow (provided by HS) is no longer offered. Moreover, she was supposed to have her own room, but she is instead relegated to an old mattress on the floor that she has to move from the reception where she sleeps. She showers in the inner courtyard of the house and does not have access to hot water.

She works over 14 hours per day and is always on call.

She would like to quit her job and find a new employer, but her employer has confiscated her passport and refuses to return it to her. She cannot return home because she has a large loan to repay and she has to send money back home to cover her siblings' school fees.

RESOURCES

ILO. *The Fair Recruitment Initiative*. http://www.ilo.org/global/topics/fair-recruitment/WCMS_320405/lang--en/index.htm

ILO. *Global Estimates of Modern Slavery: Forced Labour and Forced Labour*. http://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm

ILO. *Report for discussion at the Tripartite Meeting of Experts on Fair Recruitment Principles and Operational Guidelines*. http://www.ilo.org/global/topics/labour-migration/events-training/WCMS_508966/lang--en/index.htm

ILO. *Addressing Governance Challenges in a Changing Labour Migration Landscape*. https://www.ilo.org/ilc/ILCSessions/106/reports/reports-to-the-conference/WCMS_550269/lang--en/index.htm

ILO. *Social Dialogue: a Manual for Trade Union Education*. http://www.ilo.org/brussels/key-documents/WCMS_205063/lang--en/index.htm

ILO. *General Principles and Operational Guidelines for Fair Recruitment*. http://www.ilo.org/global/topics/fair-recruitment/WCMS_536755/lang--en/index.htm

ILO. *Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME)*. <https://www.ilo.org/global/topics/labour-migration/projects/reframe/lang--en/index.htm>

UNDESA. *Transforming our World: the 2030 Agenda for Sustainable Development* <https://sustainabledevelopment.un.org/post2015/transformingourworld>

ILO. *Tricked and Trapped: Human Trafficking in the Middle East*. http://www.ilo.org/beirut/publications/WCMS_211214/lang--en/index.htm

ILO. *The Cost of Coercion: Global Report on Forced Labour 2009*. http://www.ilo.org/global/topics/forced-labour/publications/WCMS_106268/lang--en/index.htm

ILO. *Ensuring fair recruitment during the COVID-19 pandemic*. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748839.pdf

- ① Why fair recruitment matters
- ② The legal and normative framework for fair recruitment
- ③ Public employment services and private employment agencies in a changing recruitment landscape
- ④ Monitoring and enforcement of recruitment regulations
- ⑤ Business and private sector engagement for promoting fair recruitment

Training Toolkit on Establishing Fair Recruitment Processes