



International  
Labour  
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**Abu Dhabi Dialogue  
26-27 November 2014**

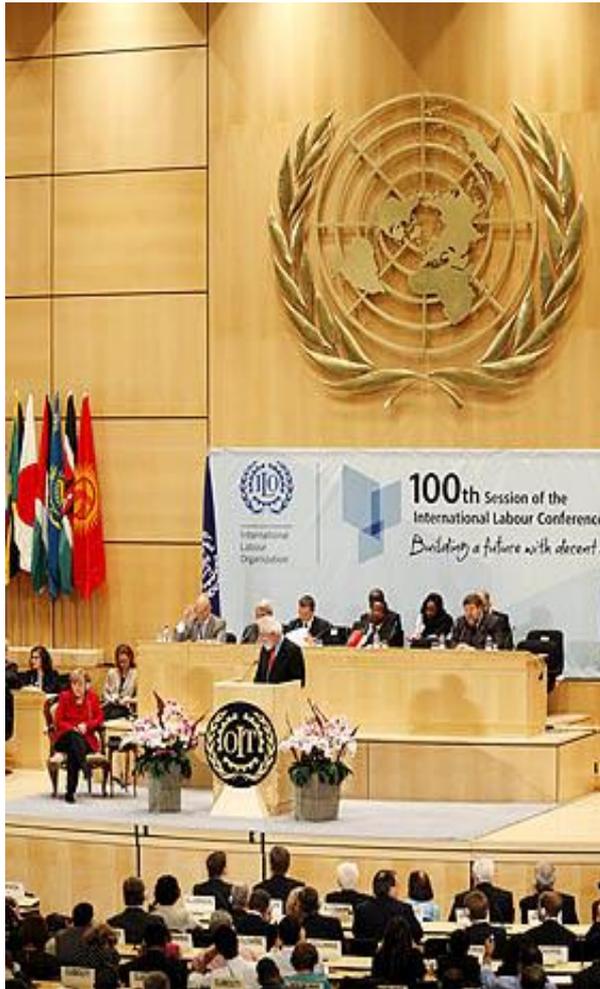
# **An ILO Agenda for Fair Migration, including Fair Recruitment**

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SETTING AN  
ILO AGENDA  
FOR FAIR  
MIGRATION

# ILO mandate



- Social Justice in the world of work
- ILO Constitution: *“Protection of the interests of workers when employed in countries other than their own”*
- Governed by International Labour Standards
- Tripartism
- Fulfillment of Decent Work for all workers



# New momentum, and renewed scrutiny and risk of reputational damage

- UN High-level Dialogue (2013): underscored the need to protect the rights of all migrants
- 3-partite Technical Meeting on Labour Migration (2013): urged ILO to develop guidance to promote fair recruitment
- ILO Fair migration agenda (2014)
- Continued stream of reports on migrant workers abuse, captured in reports of UN supervisory bodies, US TIP report, NGOs and social media



# ILO Agenda for Fair Migration

## Selected core elements:

1. Making migration a choice not a necessity
2. Formulating orderly and fair migration schemes in regional integration processes
3. Promoting bilateral agreements for well-regulated and fair migration across borders
4. Instituting fair recruitment processes – Fair Recruitment Initiative
5. Fight abuse of migrants including in situations akin to forced labour

## Key frameworks to draw from:

ILO Multilateral Framework on Labour Migration (2006) and relevant International Labour Standards



# ILO Multilateral Framework on Labour Migration

## **Migration Process (Principle 13):**

Governments in both origin and destination countries should give due consideration to licensing and supervising recruitment and placement services for migrant workers in accordance with the [Private Employment Agencies Convention 181](#) and [Recommendation 188](#).

## **Guidelines for recruitment and placement include:**

- Respect of migrant workers' labour rights
- Understandable and enforceable employment contracts
- Insurance/bond, to be paid by recruitment agencies, to protect migrant workers from flawed recruitment
- Fees not to be borne directly nor indirectly by migrant workers



# Private Employment Agencies Convention 181 and Recommendation 188

Convention No.181 amongst others addresses:

- Licensing and certification of private recruitment agencies
- Workers' right to freedom of association and collective bargaining
- No charging of fees from workers

Recommendation No.188 proposes amongst others:

- Workers should have a written contract with specific terms and conditions of employment
- Authorities should combat unfair advertising practices
- inform migrant workers in their own language of the nature of the position offered & to not restrict the occupational mobility of workers



# New Forced Labour Protocol 29 and Recommendation 203

The Protocol calls for:

the protection of persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process

The Recommendation stipulates measures to eliminate abusive recruitment, such as:

- (a) eliminating the charging of recruitment fees to workers;
- (b) requiring transparent contracts that clearly explain terms of employment and conditions of work;
- (c) establishing adequate and accessible complaint mechanisms;
- (d) imposing adequate penalties;
- (e) regulating or licensing these services.



# ILO Fair Recruitment Initiative

## Core elements:

- Reduce labour migration costs and enhance the development gains
- Prevent abuse in recruitment process and protect workers rights
- Improve regulation and strengthen oversight of private recruitment and placement agencies



## Four step action plan in selected migration corridors, including Asia-GCC:

1. Research and knowledge dissemination
2. Support for policy and legislative reform
3. Strengthen protection services and access to remedies for victims
4. Pilot initiatives to test different models of fair recruitment in selected migration corridors



# Pilot recruitment models to be tested could include efforts to:

- 1) Regulate recruitment throughout migration corridors
  - 2) Improve monitoring of recruitment and placement agencies throughout migration cycles
  - 3) Simplify immigration regulations (and thus reduce the need for recruitment agencies)
  - 4) Reduce the number of layers of intermediation and sub-agents involved
  - 5) Create transparency in recruitment costs
- In all these, capitalize on modern Information Technology

and also work towards: Due diligence and codes of conduct by recruitment agencies



## Next steps...

- Consider working with ILO towards ratification of Convention 181 and the Forced Labour Protocol
- Collaborate with ILO under its Fair Migration Agenda and its Fair Recruitment Initiative, and to pilot test recruitment models in migration corridors
- Engage with ILO in additional opportunities for dialogue and consultation, such as:
  - interregional experts meeting in Kathmandu on 3-4 December
  - interregional Ministerial meeting on Fair Migration in late 2015

### In closing...

ILO stands ready to work with member States towards fair migration, including fair recruitment

