

WORK FOR A BRIGHTER FUTURE

Fair recruitment





Abu Dhabi Dialogue High-level Symposium on the Future of Work, Dubai, 29 April 2019

Session 3: Cooperating on the Future of Work in the ADD's
Collaborative Agenda on the Governance of Labour Mobility

Fair Recruitment



Growing consensus on reducing migration and recruitment costs

Relevant international initiatives

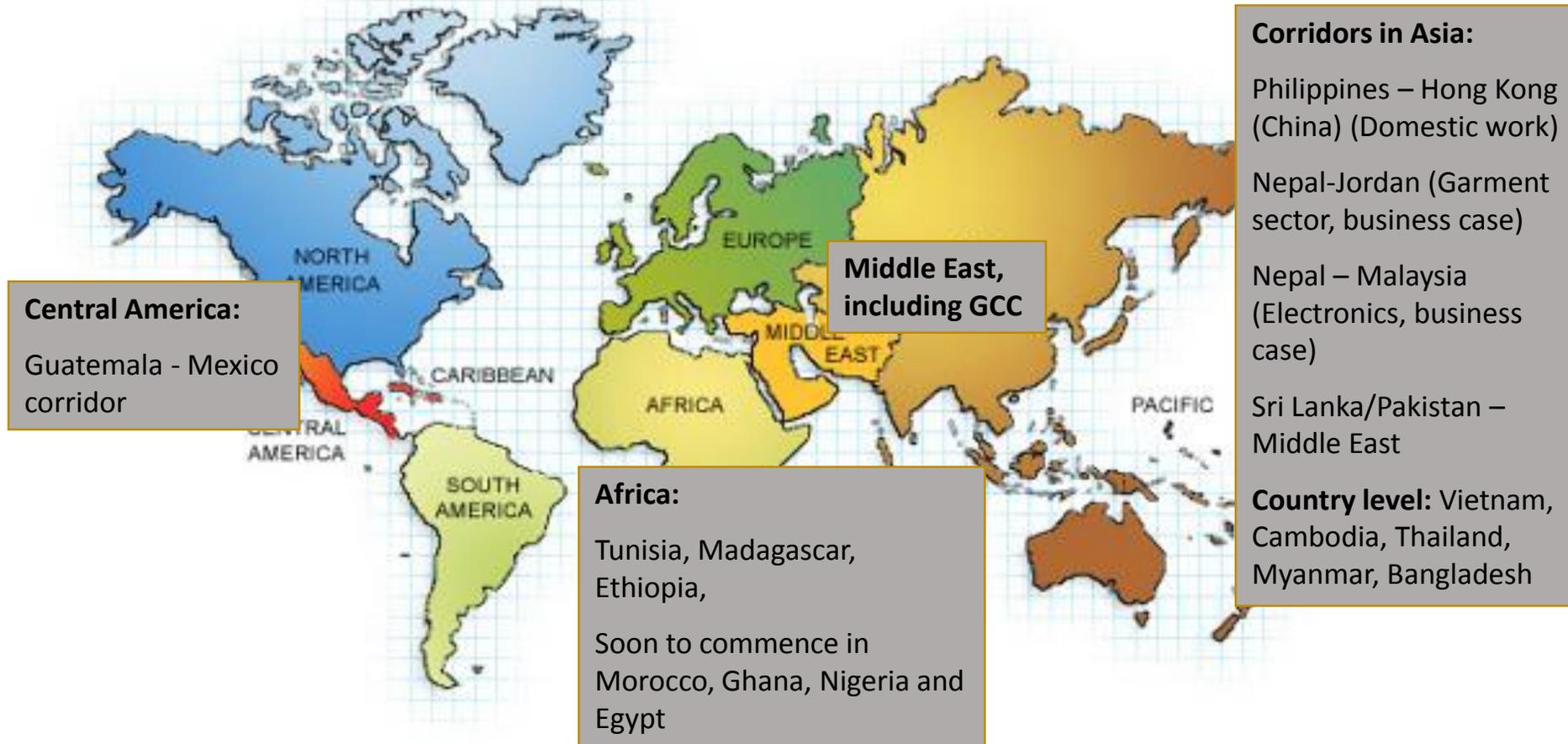
- UN Secretary-General's Report to UN High-level Dialogue on International Migration and Development 2013
- **UN 2030 Agenda: SDG 10.7.1** Recruitment cost borne by employee as a proportion of yearly income earned in country of destination
- **ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of recruitment fees and related costs**
- The UN Global Compact for Safe, Orderly and Regular Migration, Objective 6
- **ADD:** Colombo Ministerial Declaration, 24 Jan 2017 / ADD SOM Communiqué (May 2018)
- Several multi-stakeholders initiatives (WEC, IHRB, RBA, ITUC-MRA, IOM-IRIS, etc.)

Relevant national/bilateral initiatives

- More than 90 countries regulate recruitment fees
- BLAs with specific provisions on recruitment



ILO's Recruitment-related Work



- | | | |
|---|--|--|
| <p>Global Level work</p> <ul style="list-style-type: none">• Fair Recruitment Principles and Operational Guidelines (2016)• Definition of Recruitment Fees and Related Costs (2018) | <ul style="list-style-type: none">• SDG 10.7.1 indicator piloting• Fair Recruitment Initiative launched in 10 pilot countries• Global training course on Fair recruitment | <ul style="list-style-type: none">• Global toolkit for journalists• Alliance 8.7 and forced labour business network |
|---|--|--|

Fair Recruitment and the Global Compact on Migration (GCM)

- FoW Report recommends greater international cooperation in specific work-related areas (refers to GCM, among others)
- GCM Objective 6: ‘Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work’
- Cross-cutting impact of ‘fair recruitment’ on other GCM objectives and dimensions of migration, i.e. protection of migrant workers and reducing their vulnerabilities, access to services, inclusion and social cohesion, socio-economic contributions, etc.
- Strong link also with skills development
- Key role and responsibilities for Governments, employers’ and workers’ organizations
- Ongoing partnerships, i.e. IOM, ITUC, WEC, etc.
- Support to implementation at national and regional level

Harnessing technology to ensure and monitor fair recruitment practices

- FoW Report recommends harnessing and managing technology in support of decent work
- E-recruitment platforms
 - Increase transparency and strengthen government oversight of recruitment by PrEAs; facilitate G-to-G recruitment; improve information-sharing thus empowering all stakeholders in the recruitment process; lower recruitment costs
 - ILO-IOM study examines four platforms: (1) KSA's MUSANED, (2) Republic of Korea's Employment Permit System (EPS), (3) India's eMigrate, and (4) European Job Mobility Portal (EURES)
- Online rating and review of recruitment agencies (ITUC's Migrant Recruitment Advisor)
- Online mechanisms to receive complaints and use of Video Link to allow workers to pursue cases, including upon return, e.g. Hong Kong (China), ATUC Information System for Migrant Workers, MFA-HAMSA

The Migrant Recruitment Advisor (ITUC)



ABOUT

RecruitmentAdvisor is a global recruitment and employment review platform offering you easy access to information about recruitment agencies and workers' rights when you're looking for a job abroad. The best advisors are other workers with experience.

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SEARCH AN AGENCY

More than 10,000 recruitment agencies are listed in RecruitmentAdvisor. You can find out what workers have said about recruitment agencies through their reviews.

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REVIEW AN AGENCY

Share your experience by reviewing your recruitment agency so that other workers can find more information for their recruitment option. We believe that the best advisor for workers' recruitment is other workers who have the recruitment experience. You are one of our recruitment advisors!

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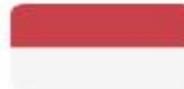
WHERE ARE YOU FROM?



Nepal
754 agencies



Philippines
1206 agencies



Indonesia
491 agencies



My country is not in the list

[Review an agency](#)

ilo.org/100
ilo100



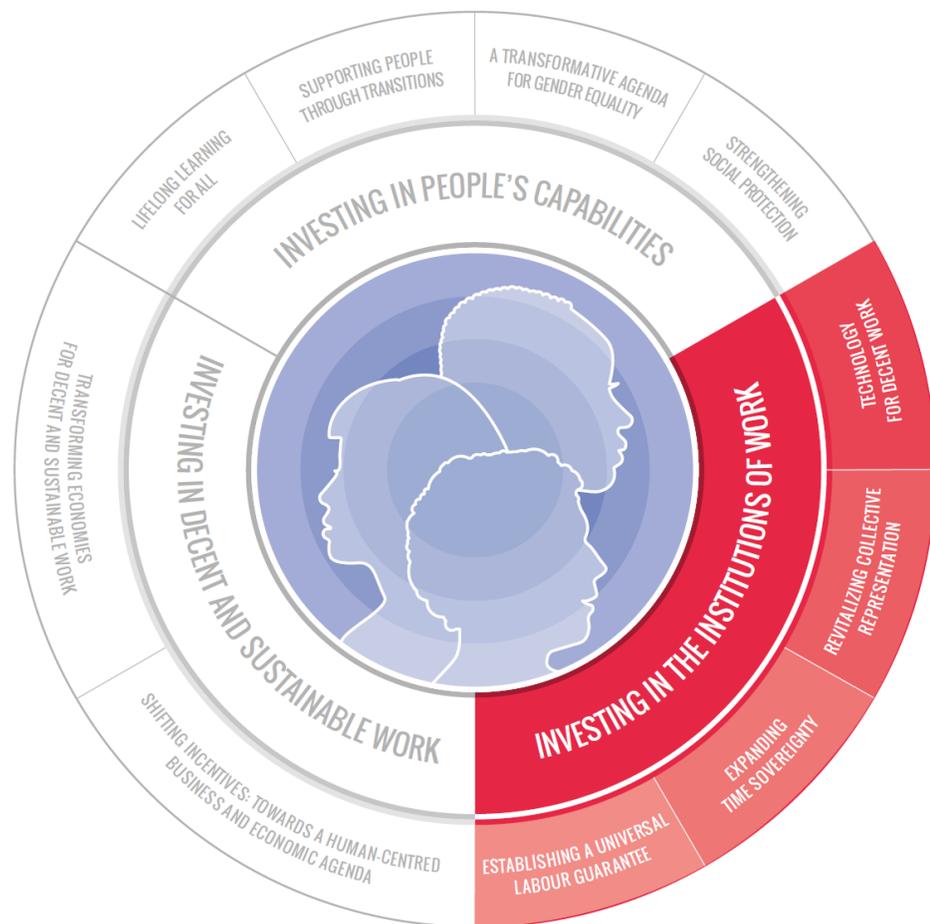
Thank you for your attention!

WORK FOR A BRIGHTER FUTURE

Skills for migrant workers



Investing in the institutions of work – Skills for migrant workers



“Blockchain technology (...) could facilitate the **portability of skills** and social protection for migrant workers” (p.44)

Portability of skills =

Transferrability of skills + credible information on skills

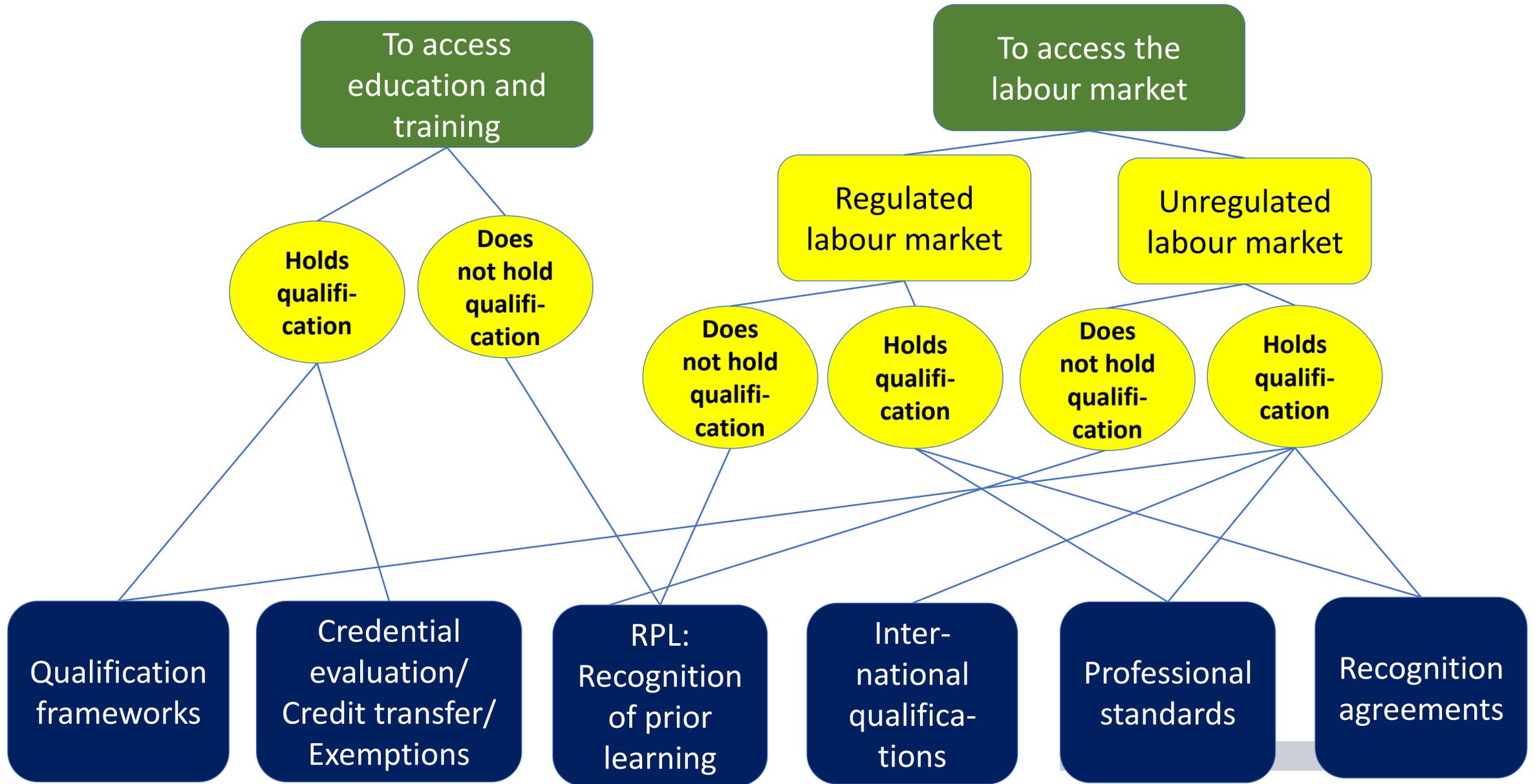
Institutions need to build reputation to be credible!

Who has an interest in skills recognition?

- Workers: If skills are recognized, workers can access further training and compete for jobs and wages that are commensurate with their skills (or access regulated labour markets in the case of migrants)
 - ➔ **fairer chances** on the labour market, including upon return
- Employers: If skills are recognized, it is easier to find qualified staff
 - ➔ more **effective recruitment**
- Government: If skills are recognized, skills are formally included in the market, guarantee quality, and broaden the choice of employers
 - ➔ better **productivity**, skills **use**, higher quality products/services

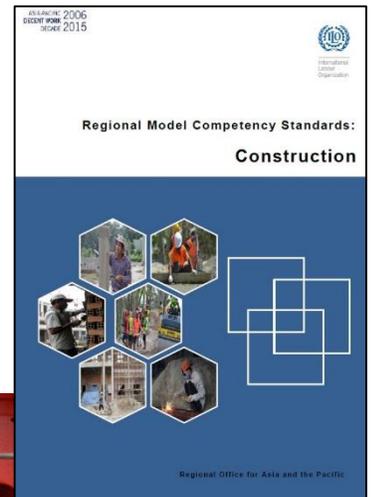


Types of skills recognition instruments



Example: Recognition agreements in ASEAN

- Mutual recognition arrangements in highly skilled professions: Engineering, Nursing, Architecture, Surveying, Medical, Dental, Accountancy
- Mutual recognition of skills: In tourism, 32 job titles are included aiming for equivalence of tourism qualifications
- Harmonization of education and occupational standards: Regional model competency standards



Example: Unilateral recognition of skilled migrants through professional standards - Triple Win (Germany)

- Employment of licensed nurses (Active Philippine Nursing License, minimum two years of experience) from the Philippines to Germany
- Agreement between the German Federal Employment Agency (BA) and the Philippine Overseas Employment Administration (POEA)
- GLZ supports the Philippine partner POEA in recruitment and pre-departure process (German language skills, immigration process)
- Employers pay services per recruited employee, but nurses don't have to pay service fees except the local POEA processing fees
- Qualification recognition usually happens during the first year of services, supported by employers

Examples: RPL for labour market integration in countries of destination and upon return

Jordan – Formalizing access to the labour market

- Refugees and jobseekers participate in short-term trainings plus RPL system, supported by the ILO, in the construction, confectionary and garment sectors that leads to a work permit for the local labour market
- The training is provided by a local training institution and covers trade-specific content, occupational safety and health and basic labour rights
- After passing a final examination on the job, the beneficiary is entitled to a Formal Skills Certificate recognizing their prior and updated learning

Sri Lanka

- The Bureau of Foreign Employment provides services to returning migrants and their family members, including recognition of skills, to ease the return and reintegration
- ILO pilot (2016) to test an RPL mechanism in eight districts among returnee construction workers
- Setting up of “RPL Coordinating committees for Migrant Workers” at local level and linking them with Vocational Training Authorities in order to facilitate RPL processes of returnees

ILO Resources

[Skills for Migration and Employment Policy Brief \(2018\)](#)

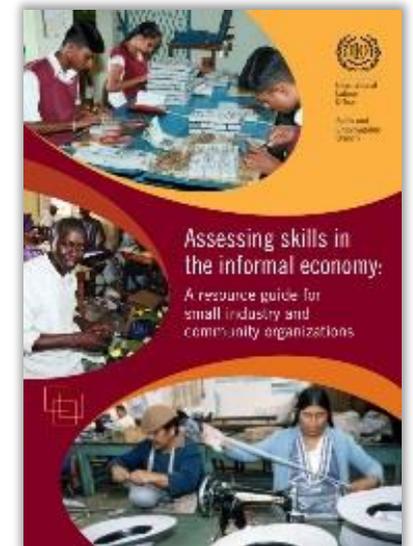
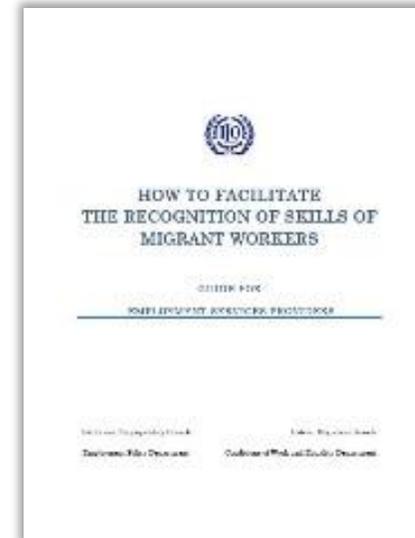
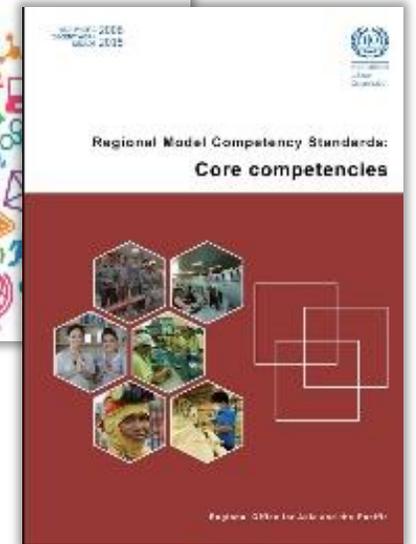
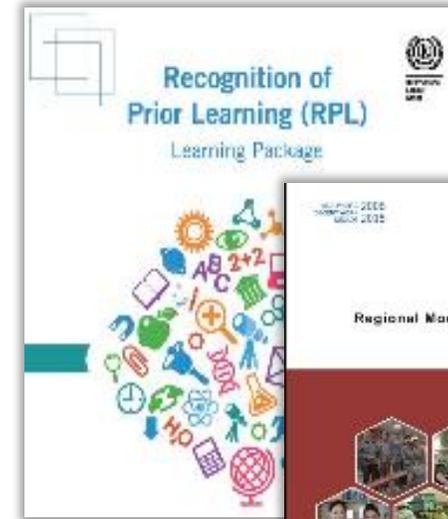
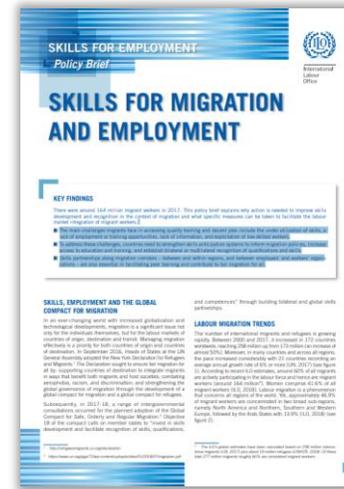
[Recognition of Prior Learning Package \(2018\)](#)

[Regional Model Competency Standards](#)

[How to facilitate the recognition of skills of migrant workers: Guide for employment services providers \(2017\)](#)

[Assessing skills in the informal economy: A resource guide for small industry and community organizations \(2015\)](#)

Forthcoming: Guide on bilateral labour agreements



Strategies for countries of origin

- Ensure registration of migrant workers to facilitate pre-departure orientation and training
- Forge agreements with countries of destination on mutual recognition of qualifications
- Assess with national labour market actors whether to successively harmonize professional standards in relevant occupations, or whether to introduce a “home-track” and an “abroad track” within the training system
- Monitor recruitment agencies and ensure that required skills certification does not conceal recruitment fees, accredit respective training centres
- Provide opportunities for skills recognition to returning migrant workers

Strategies for countries of destination

- Strengthen system for credential evaluation through national recognition bodies – and map foreign qualifications against key occupational standards
- Rely on reputable institutions (professional bodies, selected training providers, international qualifications) to recognize qualifications
- Work towards mutual recognition and/or joint qualifications (Caribbean Community, CARICOM, or Central American Network of Training Institutions)
- Support quality assurance of skills development and assessment in countries of origin
- Introduce a system of Recognition of Prior Learning
- Stimulate demand for recognized skilled labour (differentiated work permit fees, occupational licence, quotas, etc.)

Global Skills Partnerships

- **Global Compact for Migration**, Article 18 calls for **investments in skills development** and **recognition of skills**, qualifications and competences, including through **global skills partnerships**
- **Global skills partnerships** also respond to **SDGs No. 4, 8 and 10**
 - SDG 4.3: ‘equal access for all women and men to TVET and tertiary education’
 - SDG 4.4: increase ‘the number of youth and adults who have relevant skills (...)’
 - SDG 4.7: education and training for (...) a culture of peace and non-violence, global citizenship and appreciation of cultural diversity’
 - SDG 8.8: ‘protect labour rights and promote safe and secure working environments for all (...)’
 - SDG 10.7: ‘orderly, safe, regular and responsible migration and mobility of people’

Dec 2018: ILO, IOM, UNESCO, IOE and ITUC forged a Global Skills Partnership to support countries and institutions in the planning and implementation of skills partnerships

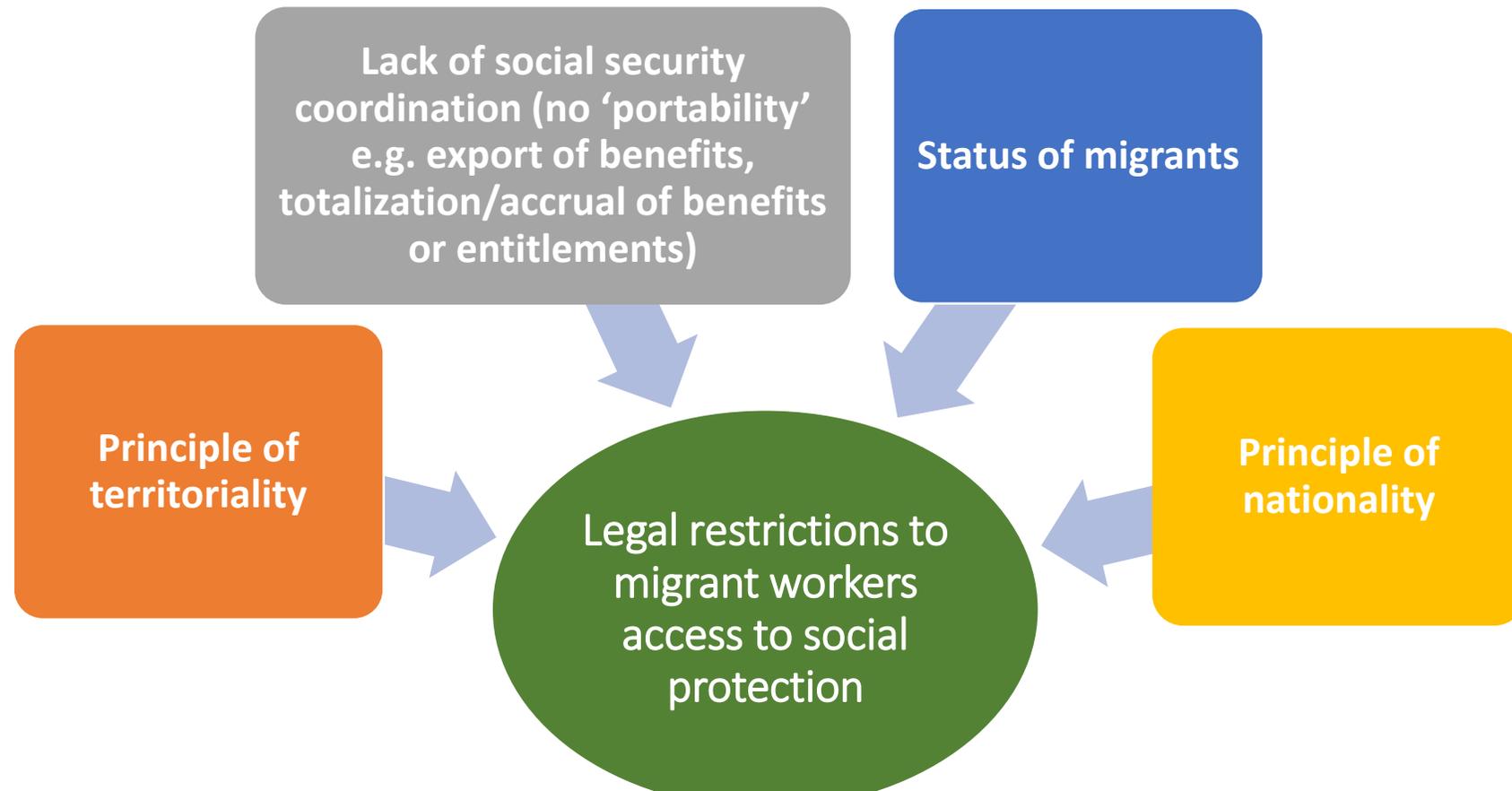
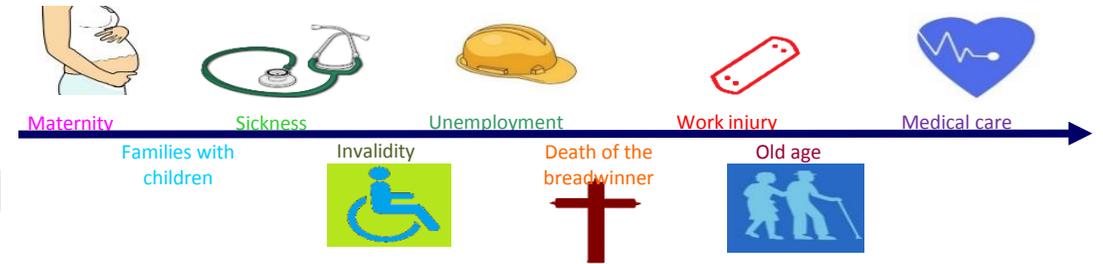
WORK FOR A BRIGHTER FUTURE

**Perspectives on social protection
for migrant workers**



Migrants face major challenges in accessing social protection

People, including migrant workers, face contingencies over their life cycle with financial consequences



Why extend social protection to migrant workers?

The inclusion of migrant workers in social security

- facilitates their **mobility, productivity and return to CoO**
- creates a **level playing field** (reduces unfair competition) - perverse incentive to recruit migrant workers as “cheap and unprotected” labour
- facilitates the **formalization** of the labour market
- may help improve **financial health of social security** as migrant workers are often net contributors over their lifetime
- Reduces pressure on **tax-funded social protection mechanisms** (in CoD or CoO upon return of migrant workers)
- extends protection for **dependent family members** remaining in CoO
- builds **social cohesion** and stability (reducing social tensions)
- ... is a human **right**

Limitations of current approaches in the GCC?

- Most migrant workers simply do not access social security, nor social assistance and are left unprotected
- Legal exclusion common for certain groups of migrant workers

In some cases

- Resort to private-sector based (formal or informal) insurance solutions that are cost-inefficient, unregulated and inequitable
- Unilateral Welfare schemes for nationals working abroad are not based on solidarity (contributions are often not paid by employers)
- Schemes that provide for coverage on a voluntary basis, often lead to low coverage
- End of Service benefits, lump sum payment or reimbursement of contributions does not provide for long term protection. End of Service often not enforced

Key elements for a progressive reform agenda

Ratification and application of ILS

Social security provisions in BLAs and MoUs

Bi- and multilateral social security agreements



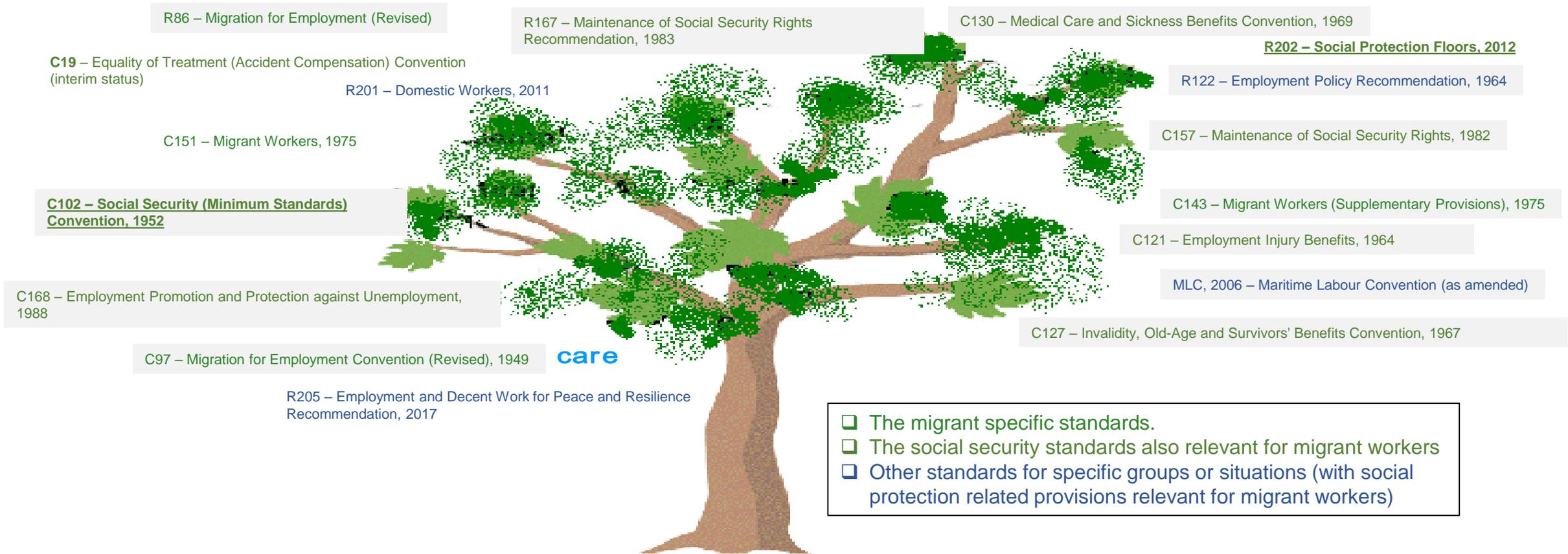
Unilateral measures through domestic law, schemes, mechanisms

Complementary measures to address practical obstacles

1. Ensure compliance to **EOS obligations** (e.g. through Mobility Savings accounts)? Not enough! No long term social protection and no solidarity
2. Enrol migrant workers in national pay-as-you-go schemes for **short term benefits** (e.g. health, maternity, unemployment) on principles of non-discrimination equality of treatment (see [mapping](#), **Ecuador**)
3. Provide for **portability and “exportability”** of long-term benefits on the basis of bilateral/multilateral; social security, BLA or MoUs, or partly through unilateral measures.
4. Extend national **social protection floors** - a minimal level of protection for all (e.g. universal health care incl for family members remaining in CoO, emergency health care for irregular migrants in **Thailand, Belgium** , social pensions for returning migrants e.g. **Cape Verde**, etc.)

International Labour Standards

Enhancing migrant workers rights to social protection



All ILO instruments apply to migrant workers as well unless specified

Social security coordination & cross border dialogue

Examples

➤ **Conclusion of bilateral or multilateral social security agreements**

Treaties intended to coordinate the social security schemes of two or more countries, provide equality of treatment in respect of SS, as well as access to and preservation and/or portability of social security entitlements

➤ The **Annex of the Maintenance of Social Security Rights Recommendation**, 1983 (No. 167) can be used as a **model Agreement**

➤ Mapping in progress on www.migrants.social-protection.org

Comprehensive examples

MERCOSUR, ECOWAS, EU

-Spain- Morocco, France-Tunisia etc.

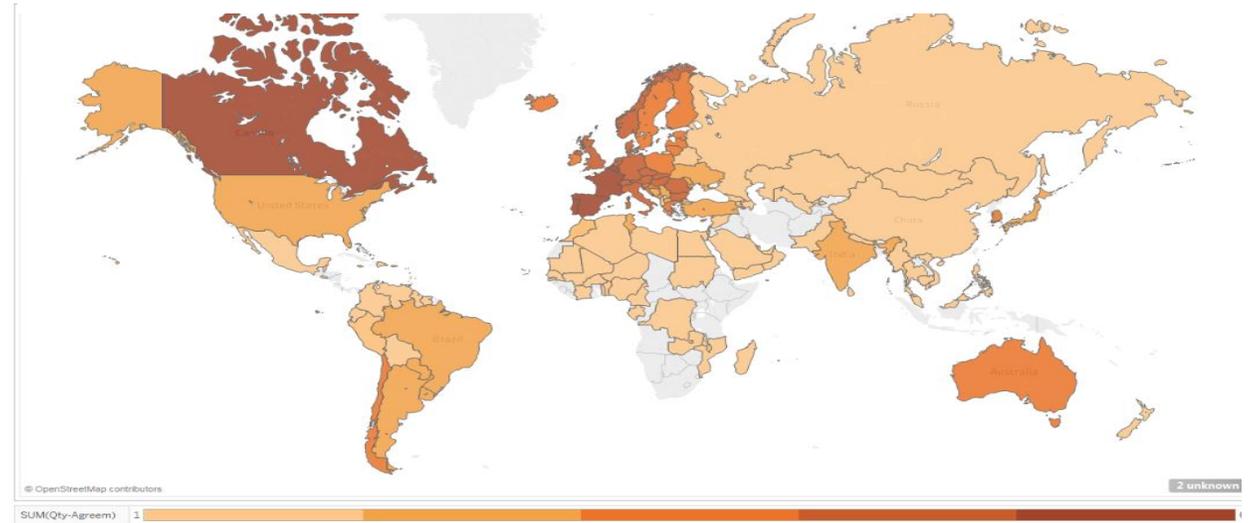
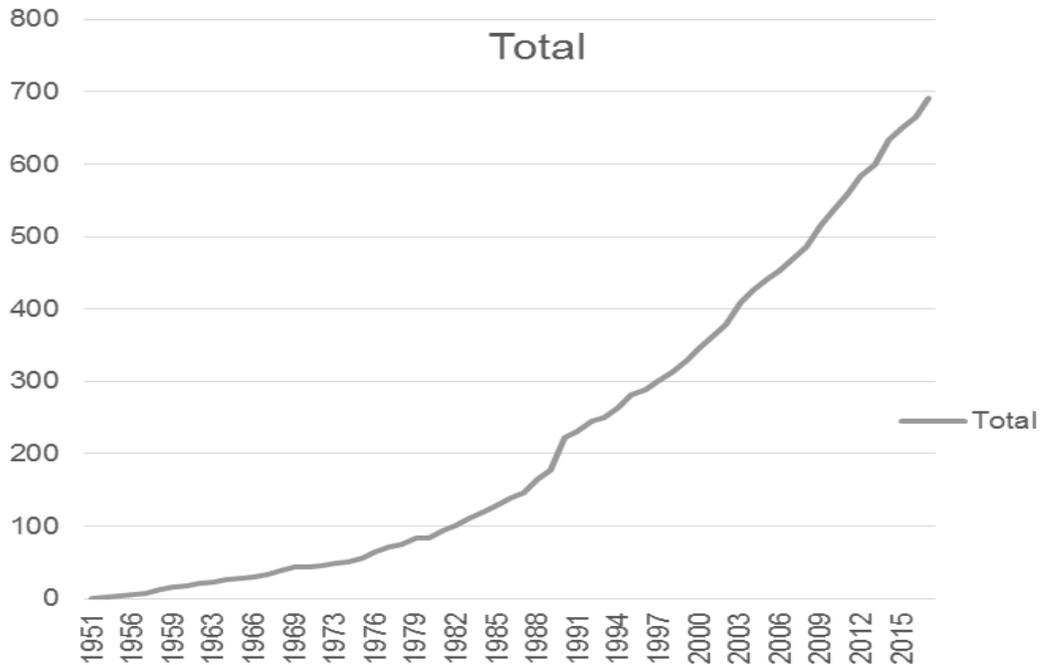
-GCC example - Unified Law on Insurance Protection Extension for Citizens of Gulf Cooperation Council States Working outside Their Countries in Any of the Council Member States, 2006.

➤ **Non binding policy framework – cross border dialogue**

• **ASEAN Declaration on Strengthening Social Protection (2013)**

• **SADC Policy framework on Portability of Accrued Rights, (2016)** - dialogue at the SADC level on how to support implementation piloting selected sectors (mining, agriculture) , part of broader AU dialogue

Bi- and multilateral agreements: an increasing number of agreements



- More than **690** international agreements in force

- **135 countries** are part of a bi- or multi- lateral social security/totalization agreements

- Mostly in developed countries, but more and more in emerging countries

Bilateral labour agreements - social protection an inherent part of the labour/employment conditions

BLAs: Aimed at regulating the labour/employment relationship of migrant workers

ILO Recommendation n°86 – provides **a model bilateral labour agreement**

BLAs and MoUs can also address social protection issues:

- Inclusion of social security provisions in BLAs (eg equality of treatment with respect to access to health care, maternity benefits etc. (eg **Italy-Morocco**)
- Reference to existing or to be concluded social security agreement (eg **France-Tiunesia**)
- Reference to the national legislation of the destination country (eg **Spain Mauritania**)
- provisions on facilitating registration in existing national schemes, mandatory requirements for employers to cover migrant workers under national schemes (eg **Canada-Mexico**)
- Reference in the model contract

A more bold step forward?

The creation of a supra-national social security fund for migrant workers?

In the absence of bilateral/multilateral agreements:

- A social insurance clearinghouse (SIC) could be established to do the linkage between employers/employees in GCC countries and the social insurance schemes in the originating countries of the employees
- Employer and employee contributions for migrant workers would be paid to the SIC.
- The SIC would remit the contributions to the social insurance schemes in the originating countries of the employees, up to the maximum contribution payable under these schemes.
- In cases where the originating countries of the employees do not have a social security scheme, SIC would still collect the employers' contribution and would accumulate them into individual accounts.
- Upon end of service, SIC would pay to the employees the amount into their individual accounts.
- The contribution rate paid to the SIC by the employer could be equal to the end of service benefits according to the GCC countries labour code