

Fair Recruitment Modalities - An ILO Perspective

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NOTE: The term 'migrant worker' is used in accordance with the international definition of a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

It is recognized that in Arabic 'migration' has a connotation of permanence and that the term '(temporary) foreign worker' is preferred.

Reality in Asia-GCC corridor

- Recruitment is a multibillion USD industry that benefits many at both source and destination, and is financed by low-skilled foreign contract workers;
- The positive effects of migration are reduced by high recruitment costs;
- While a number of governments have made it illegal to charge recruitment fees and other related costs from foreign contract workers, or put ceilings on costs and fees, in practice these laws are frequently violated;
- While migration and recruitment transcend international borders, regulation of labour migration and related law enforcement are largely national in scope and not harmonized among countries, creating a space for fraudulent activities to be carried out with impunity, and thus compromising the rule of law;
- Migrant domestic workers are a particularly vulnerable group, yet most countries do not cover domestic work under the protection of the labour law.



Worker-paid recruitment costs – ILO-World Bank research

Destination	Origin	Total migration 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
	Nepal	1,054	3.3	339
	Philippines	480	1.1	469
Kuwait	Bangladesh	3,136	9.0	347
	India	1,248	2.5	494
	Sri Lanka	319	0.9	339



SDG Indicator on Orderly, Safe and Regular Migration

SDG 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.

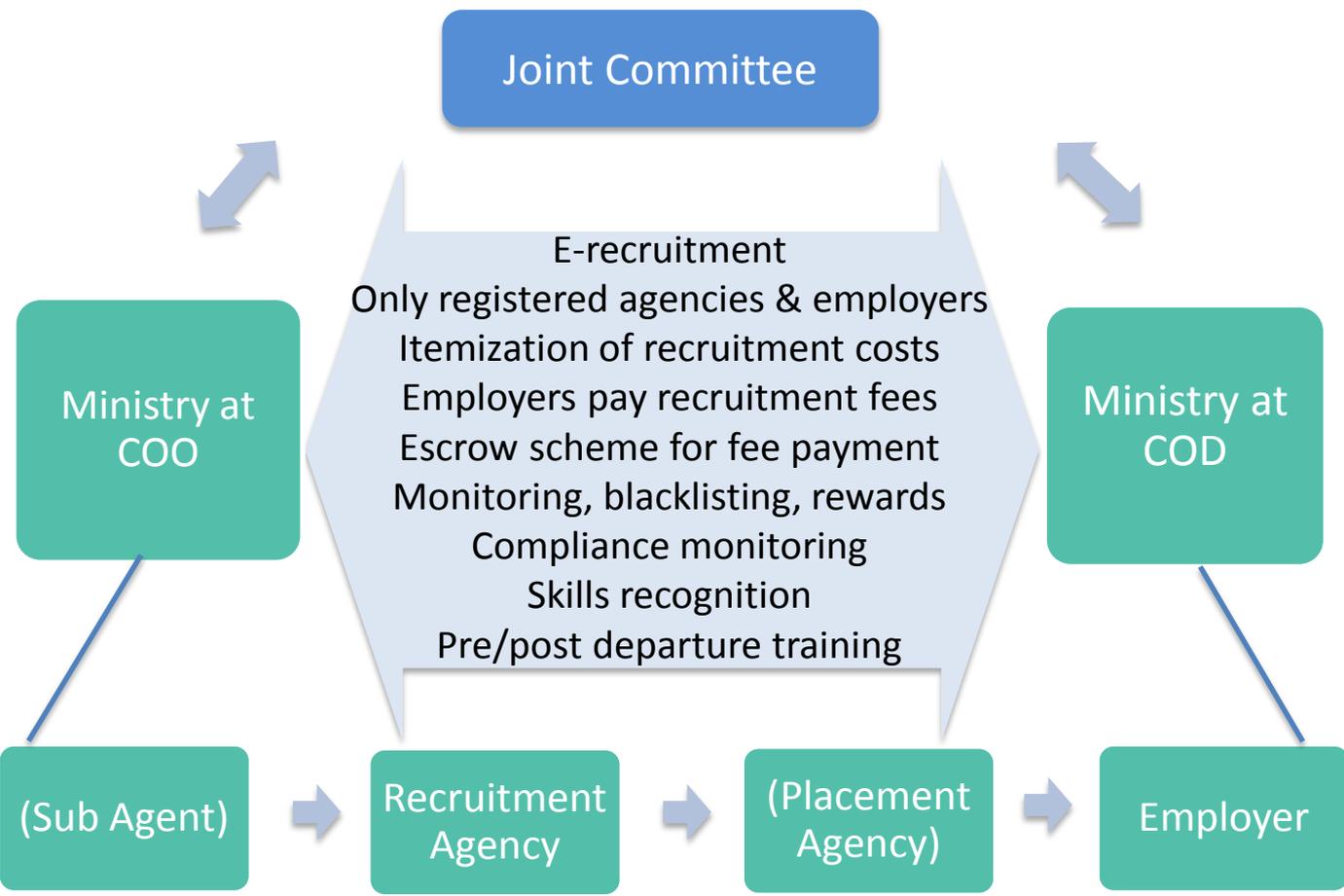
Indicator 10.7.1:

Recruitment cost borne by employee as a proportion of yearly income earned in country of destination

ILO and World Bank are custodians of this indicator



1. Joint oversight and shared responsibility in BLAs

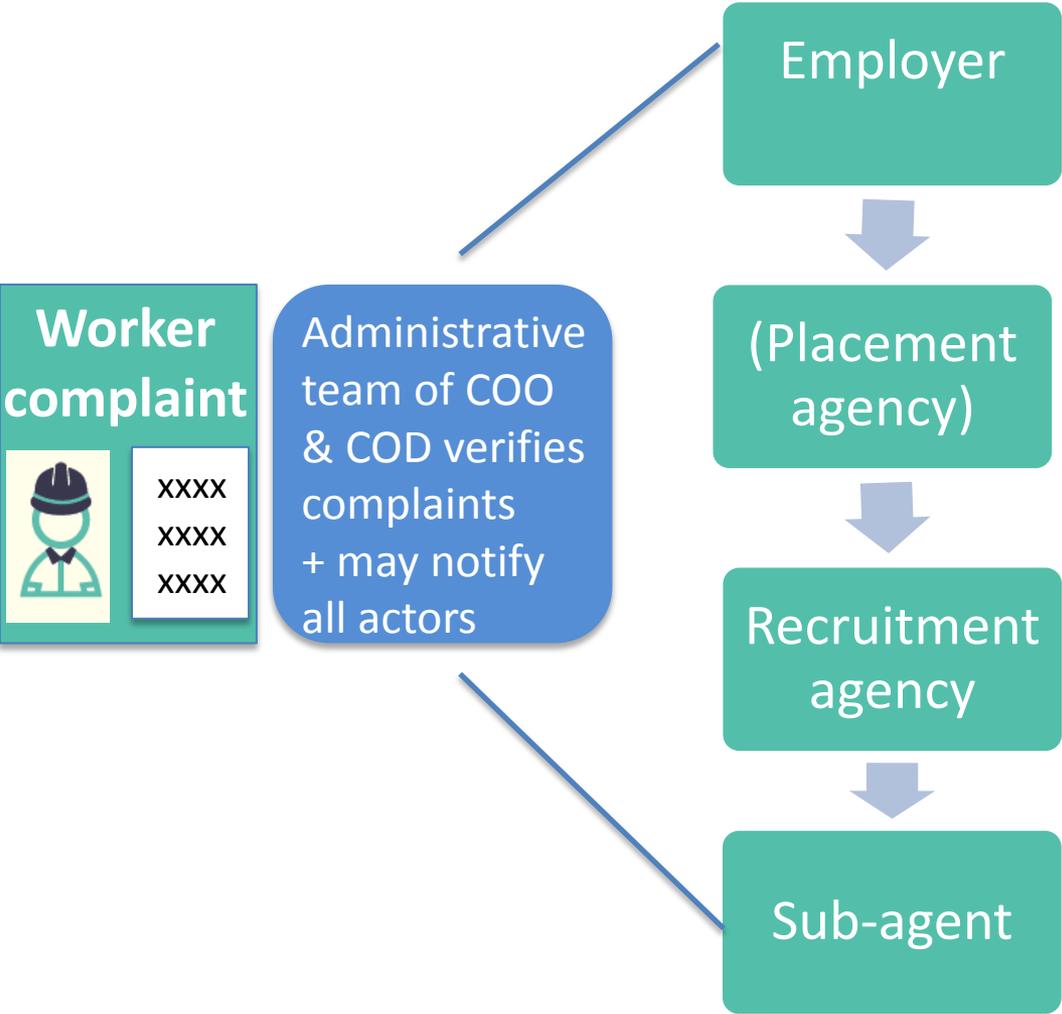


- BENEFITS** of BLAs with clearly articulated procedures for joint implementation:
-  Transparency
 -  Combat contract substitution
 -  Exchange of information on recruiters & employers (incl. on blacklisting)
 -  Shared responsibility and mutual accountability



- **Drawn from Philippines-Canadian provinces Agreement**
- **ILO as technical assistance (TA) partner**

2. Interlinked grievance and dispute resolution mechanism with joint liability



Shared platform between COO and COD to:

- map 'recruitment chains';
- register & verify complaints
- trigger notification to all in case of pooled complaints.

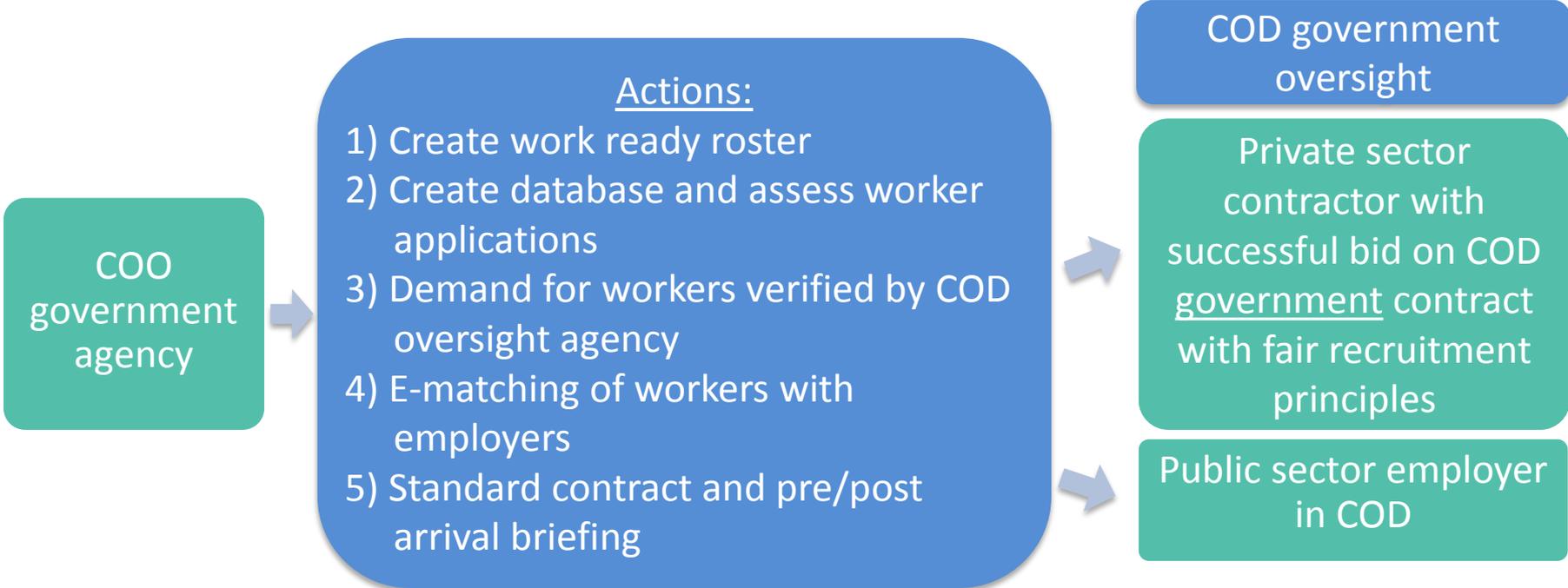
BENEFITS:

-  Employers and recruiters can review each others' track record, and can take timely remedial action
-  Enhances compliance
-  Government ministries can better target their enforcement activities



- Drawn from block chain technology
- ILO as partner; possible links to Migrant Forum Asia & IOM IRIS

3. Government-managed matching



BENEFITS:

-  Competition for
 - better service
 - at lower costs
-  Recruitment is fair; close oversight
-  Provision of diverse options to workers



- **Draws from EPS Korea**
- **ILO as TA partner**

4. Research for informed policy-making on recruitment

- ILO/World Bank surveys on migration costs in selected corridors using standard methodology;
- Pilot testing of methodology for SDG indicator 10.7.1 on the cost of recruitment;
- Impact analysis of BLAs following standard criteria;
- Exploratory research on regulation and enforcement to achieve fair recruitment.

NOTE: Mainstream gender throughout

BENEFITS of research:



Essential for evidence-based policies



Helps to target interventions



Demonstration of progress / impact



Holds all parties accountable

Unilateral measures towards fair recruitment

- Make publicly available (and easily accessible):
 - information about recruitment regulations (including reform)
 - Itemized recruitment costs per occupation and corridor
 - jurisprudence and imposition of penalties regarding recruitment malpractice
- Make illegal:
 - charging migrant workers recruitment fees
 - for employers at COD to accept fees from recruiters at COO
- Suspend and revoke violators' licenses in case of demonstrated malpractice; Reward (based on a transparent process) top performers publicly and give them preferential treatment in bidding processes.
- Mandatory insurance for employers of workers to cover costs of recruitment if worker leaves job prematurely (to be paid only if worker was not abused).
- Build demand for fair recruitment among employers and industry associations



Thank you for your attention!

For more information:

- **General Principles and Operational Guidelines on Fair Recruitment** (Approved by ILO Governing Body in 2016)
- **ILO APRM Bali Declaration 2016** (adopted by GCC & Asian member States)
Includes a commitment to ... “not charging recruitment fees or related costs to workers and allowing them to keep their own identity and travel documents”
- **GFMD Paper** entitled ‘*Reducing migration costs*’ (prepared by ILO for Roundtable co-chaired by India, Russia and UAE), 2016
- **ILO White Paper** – ‘*Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab states corridor*’ (2016)

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