

# Fostering Fair Recruitment for Migrant Workers

ILO policy frameworks and tools:

## The ILO Fair Recruitment Initiative

fostering fair recruitment practices, preventing human trafficking and reducing the costs of labour migration.

## 2016 General Principles and Operational Guidelines for Fair Recruitment

covers the recruitment of all workers, including migrant workers, whether directly by employers, public and private employment agencies, or through intermediaries, within or across national borders and in all sectors of the economy.

## 2018 ILO/World Bank Guidelines to produce statistics on the measurement of recruitment cost borne by the employee

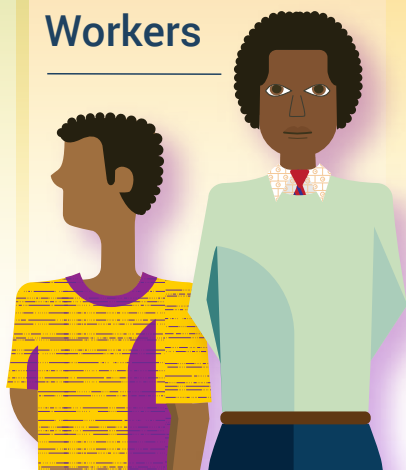
official methodology to be used in order to be able to report on Indicator 10.7.1.

## The 2018 ILO definition on recruitment fees and related costs

which refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.



International Labour Organization



The ILO's Fair Recruitment Initiative is a multi-stakeholder initiative based on:

Enhancing global knowledge on national and international recruitment practices

Strengthening laws, policies and enforcement mechanisms

Promoting fair business standards and practices

Empowering and protecting workers

## The ILO's General Principles and Operational Guidelines for Fair Recruitment



Respond to established labour market needs and promote decent work



Recruitment laws and policies that apply to all



Efficiency, transparency and protection of workers



Enforce recruitment regulation through labour inspection



Respect and enforcement of national laws and collective agreements



No recruitment fees and costs are charged to workers



Clear and transparent employment contracts



Workers' freedom from deception and coercion



Access to free, comprehensive and accurate information



Freedom of movement and no retention of identity documents



Freedom to terminate employment, permission to change employer And safely return



Access to free dispute resolution and effective remedies



Respect for human and labour rights

## Fair recruitment is an important element to reduce labour migration costs. The ILO and World Bank conducted empirical research to assess the extent of recruitment costs\*:



Lower-skilled workers tend to pay a higher percentage (in relation to their salary) of job-matching fees than do higher-skilled workers and are less able to bargain for higher wages and better working conditions once on the job.

Migrants in an irregular situation incur higher costs than regular migrants.

The costs can vary significantly within the same migration corridor, depending on the workers' country of origin.

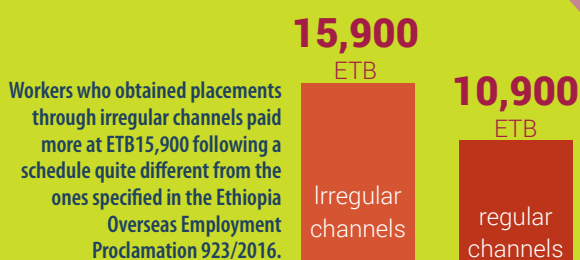
They can be influenced by structural factors such as the types of labour migration regimes in place, the degree of harmonization of national regulations and enforcement mechanisms among origin and destination countries, and the kind of labour recruiters involved.

\* The study can be found at <https://www.knomad.org/data/recruitment-costs>. Data was collected surveys of worker-paid migration costs in Korea, Kuwait, and Spain (Abella, M. and Martin, P., 2014. Migration Costs of Low-skilled labor migrants: Key Findings from Pilot Surveys in Korea, Kuwait and Spain. KNOMAD Pilot Surveys).

## An example of higher recruitment cost borne by workers going through irregular channels :

The use of informal recruiters and smugglers is common in Ethiopia, with smuggling rife between Ethiopia and the Middle East. Overall, Ethiopian migrant workers paid an average of USD 650 as recruitment fee, representing 17% of their overall annual wage.

(Source: Lindgren, D., Uaumnay, T. & Emmons, K. (2018). Baseline survey: Improved labour migration governance to protect migrant workers and combat irregular migration in Ethiopia ILO project. Bangkok: Rapid Asia)



Governments can employ various strategies, such as licensing and monitoring, in order to regulate private employment agencies.

## 2018 ILO/World Bank Guidelines to produce statistics on the measurement of recruitment cost borne by the employee

In order to improve available data on recruitment costs, the ILO and World Bank have developed a standardized set of guidelines to contribute to measuring the magnitude of recruitment costs borne by workers worldwide.

The Guidelines for Statistics for SDG indicator 10.7.1 include discussions on objectives and uses of the indicator, definitions, and practical advice for National Statistical Offices to implement a labour force survey module, which is currently being piloted in a few of countries.



## The 2018 ILO definition on recruitment fees and related costs

The Report of the ILO Meeting of Experts on Defining Recruitment Fees and Related Costs that took place in Geneva, 14–16 November 2018 provided the following new definition of recruitment fees and related costs: The terms “recruitment fees” or “related costs” refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.

Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services. Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.

### ILO instruments concerning recruitment by public and private employment agencies:



#### The Migration for Employment Convention (Revised), 1949 (No. 97)

Article 7.2. Each Member for which this Convention is in force undertakes to ensure that the services rendered by its public employment service to migrants for employment are rendered free.



#### The Employment Service Convention, 1948 (No. 88)

The Convention elaborates on role of Public Employment Services.



#### The Private Employment Agencies Convention, 1997 (No. 181)

Article 7.1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.



*The long-term goal of the fair recruitment agenda is the reduction in deceptive and coercive practices during the recruitment process and violations of fundamental principles and rights at work, as well as other human and labour rights, brought about through increased safe migration options, effective regulation and monitoring of private employment agencies, and unscrupulous actors being held accountable for violations.*

ILO Regional Office for Africa (ROAF)

Website:

<https://www.ilo.org/africa/areas-of-work/labour-migration/lang--en/index.htm>

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