



► Fair Recruitment

What does it mean and why is it important?

Christoph Kühn

Fair Recruitment in context

Fair Recruitment

No agreed definition. The key is “fair” – fair for workers but also fair for labour recruiters and employers

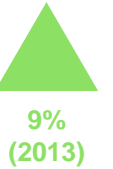
Also referred to as ethical recruitment (e.g. IOM)

Generally: recruitment that respects the law and human rights, including international labour standards

Elements of fair recruitment:

- Costs are not borne by the worker
- Workers can make an informed decision
- Respect for fundamental principles and rights at work
- Protection from abusive and exploitative situations
- Access to justice
- In line with international human rights standards

▶ **164m**
migrant workers worldwide (ILO, 2018)



▶ **42%**
women migrant workers (ILO, 2018)



▶ **1.4bn\$**
in illegal recruitment fees collected from trafficked migrant workers (ILO, 2009)

▶ **0\$**
In recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers (ILO, 2019)

▶ Fair Recruitment has been gaining attention

International stage

- ▶ 2013 UN Secretary-General Report on UN High-Level Dialogue on International Migration and Development
- ▶ 2015 UN SDGs: Indicator 10.7.1 on measuring recruitment costs relative to income
- ▶ 2015 UN Special Rapporteur on the human rights of migrants – report on impact of recruitment practices
- ▶ 2018 UN Global Compact on Migration – Objective 6

Multi-stakeholder / Industry / Constituent initiatives

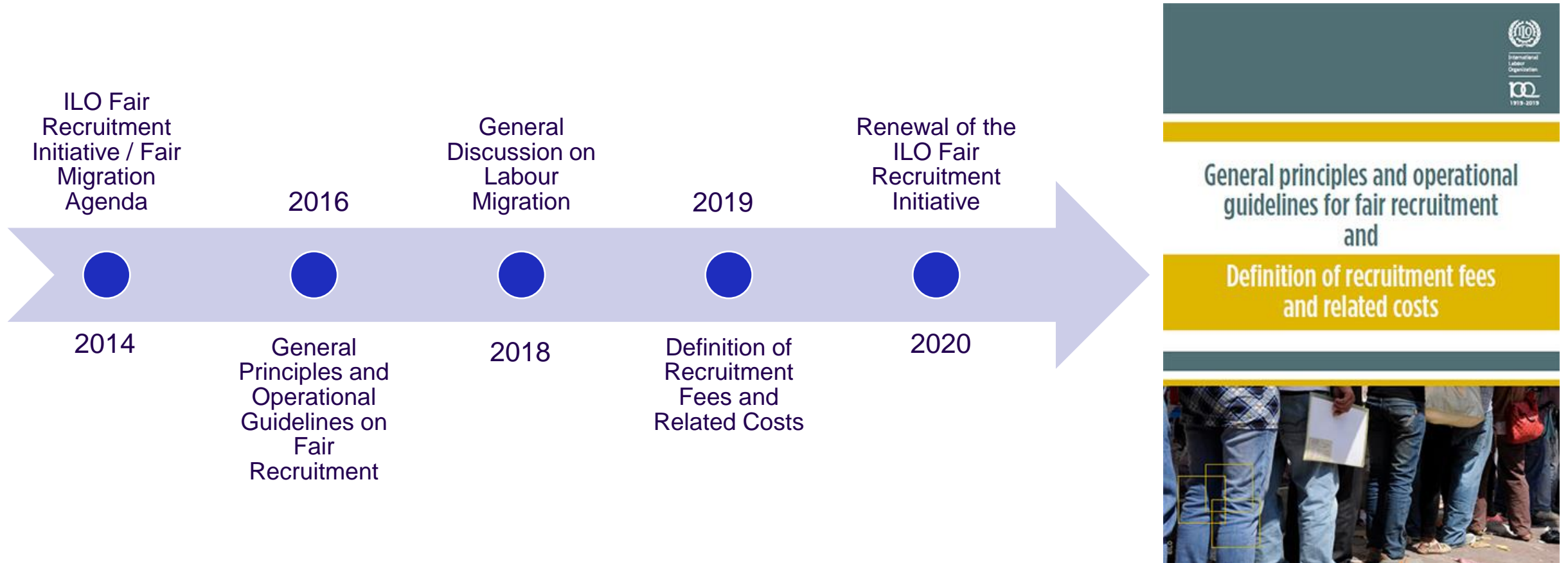
- ▶ IOM IRIS; IHRB (“Employer Pays Principle”); CGF; RBA; ITUC Recruitment Advisor

Regional, bilateral and national initiatives

- ▶ ASEAN Forum on Migrant Labour; Abu Dhabi Dialogue; Colombo Process
- ▶ Bi-lateral labour agreements with recruitment specific provisions
- ▶ >90 countries with regulation on labour recruitment



Fair Recruitment within the ILO



▶ ILO Fair Recruitment Initiative (currently being revised)

1. Enhance global knowledge of national and international recruitment practices

- SDG Indicator 10.7.1 methodology testing
- Thematic studies and tools

2. Improve laws, policies and enforcement

- General Principles and Operational Guidelines
- Definitions of recruitment fees and related costs

3. Promote fair business practices

- Tools and guidance for business and labour recruiters
- Support models for due diligence

4. Empower and protect workers

- Support social dialogue mechanisms
- Assist trade unions to organise migrant workers and protect their rights

- ▶ Help prevent human trafficking and forced labour
- ▶ Protect the rights of workers from abusive and fraudulent practices during the recruitment process
- ▶ Reduce the cost of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination

▶ General Principles and Operational Guidelines on Fair Recruitment

General Principles

13 principles intended to orient implementation at all levels and based on international labour standards

- ▶ Clear and transparent employment contract
- ▶ No recruitment fees and costs charged to workers
- ▶ Freedom of movement and no document retention
- ▶ Access to free, comprehensive, accurate information
- ▶ Access to dispute resolution, effective remedies

Operational Guidelines

Addressing responsibilities of specific actors in the recruitment process

- ▶ Governments
- ▶ Enterprises and public employment services, including labour recruiters and employment agencies (temporary work agencies)
- ▶ Trade unions not specifically addressed but as primary advocates of worker's rights contribute to effective protection of migrant workers

General Principles and Operational Guidelines should be read together with the Definition of Recruitment Fees and Related Costs

▶ Definition of Recruitment Fees and Related Costs

- ▶ Reaffirms principle that workers shall not be charged any fees or related costs for their recruitment
 1. Defines recruitment fees
 2. Identifies categories for related costs (medical, insurance, skills and qualification tests, training and orientation, travel and lodging, administrative)

- ▶ Definition has been taken up by a number of other actors already including
 - RBA Definition of Fees
 - Responsible Recruitment Toolkit
 - H&M Migrant Workers Fair Recruitment and Treatment Guidelines
 - Electronics Watch Guidance for Recruitment Fees in Public Procurement
 - IOM IRIS

► Fair Recruitment within the ILO's work

Technical Cooperation Projects

The ILO works on the realisation of fair recruitment globally in various sectors and corridors

- REFRAME (Central America, Asia, Arab States)
- FAIR (Asia, North Africa)
- Work in Freedom (Asia, Gulf countries)
- FAIRWAY (Africa and Arab States region)
- TRIANGLE in ASEAN
- Safe and Fair (Asia)
- FIRST (Vietnam)
- AMEM (MAR, TUN, MRT)

Tools and Initiatives with a link to fair recruitment

- Toolkit for Journalists for reporting on forced labour and fair recruitment
- Online training toolkit on establishing Fair Recruitment Processes
- ILO Global Business Network on Forced Labour - <https://flbusiness.network/>
- Alliance 8.7 – Supply Chain and Migration Action Groups
- Better Work
- ITUC Recruitment Advisor

▶ ILO Support of the ITUC Recruitment Advisor

ILO has provided financial support to the set-up of the Recruitment Advisor within the context of two technical cooperation projects – REFRAME and FAIR.

The Recruitment Advisor presents an innovative approach that uses technology to work towards fair recruitment outcomes.

More work is needed to reach scale and sustainability, including further expansion and support.

Questions to consider:

- What countries could the Recruitment Advisor be expanded to?
- How can ownership of the Recruitment Advisor with the national unions be ensured in view of the sustainability of the project?
- What synergies exist between the Recruitment Advisor and other tools or initiatives on recruitment?

▶ **Thank you for your attention**

References

- ILO (2009). The cost of coercion. Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.
- ILO (2018). ILO Global Estimates on International Migrant Workers – Results and Methodology. 2nd ed. International Labour Office - Geneva: ILO, 2018.
- ILO (2019). General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs. International Labour Office - Fundamental Principles and Rights at Work Branch, Labour Migration Branch – Geneva: ILO, 2019.

Other links

[ITUC Recruitment Advisor](#)

[ILO Toolkit for journalists for reporting on forced labour and fair recruitment](#)

[ILO online training toolkit on establishing fair recruitment processes](#)

[ILO Global Business Network on Forced Labour](#)

[FAIR](#) and [REFRAME](#) project

[Alliance 8.7](#)

[Better Work](#)

▶ Additional background info

► Definition of Recruitment Fees and Related Costs

Recruitment fees include

1. payments for recruitment services offered by labour recruiters (public or private) in matching offers of and applications for employment;
 2. payments made in the case of recruitment of workers with a view to employing them to perform work for a third party;
 3. payments made in the case of direct recruitment by the employer;
 4. payments required to recover recruitment fees from workers
- These fees may be one-time or recurring and cover recruiting, referral and placement services.

► Definition of Recruitment Fees and Related Costs

Related costs

- expenses integral to recruitment and placement within or across national borders, taking into account that the widest set of related costs are incurred for international recruitment
- It is recognized that the competent authority has flexibility to determine exceptions to their applicability, consistent with relevant ILS, through national regulations and after consulting the most representative organizations of workers and employers;
- When initiated by an employer, labour recruiter or an agent acting on behalf of those parties; required to secure access to employment or placement; or imposed during the recruitment process, the following costs should be considered related to the recruitment process: **medical, insurance, skills and qualification tests, training and orientation, equipment, travel and lodging, and administrative costs;**
- Enumeration of related costs in the definition is generalized and not exhaustive;
- These costs should be regulated in ways to respect the principle of equality of treatment for both national and migrant workers.

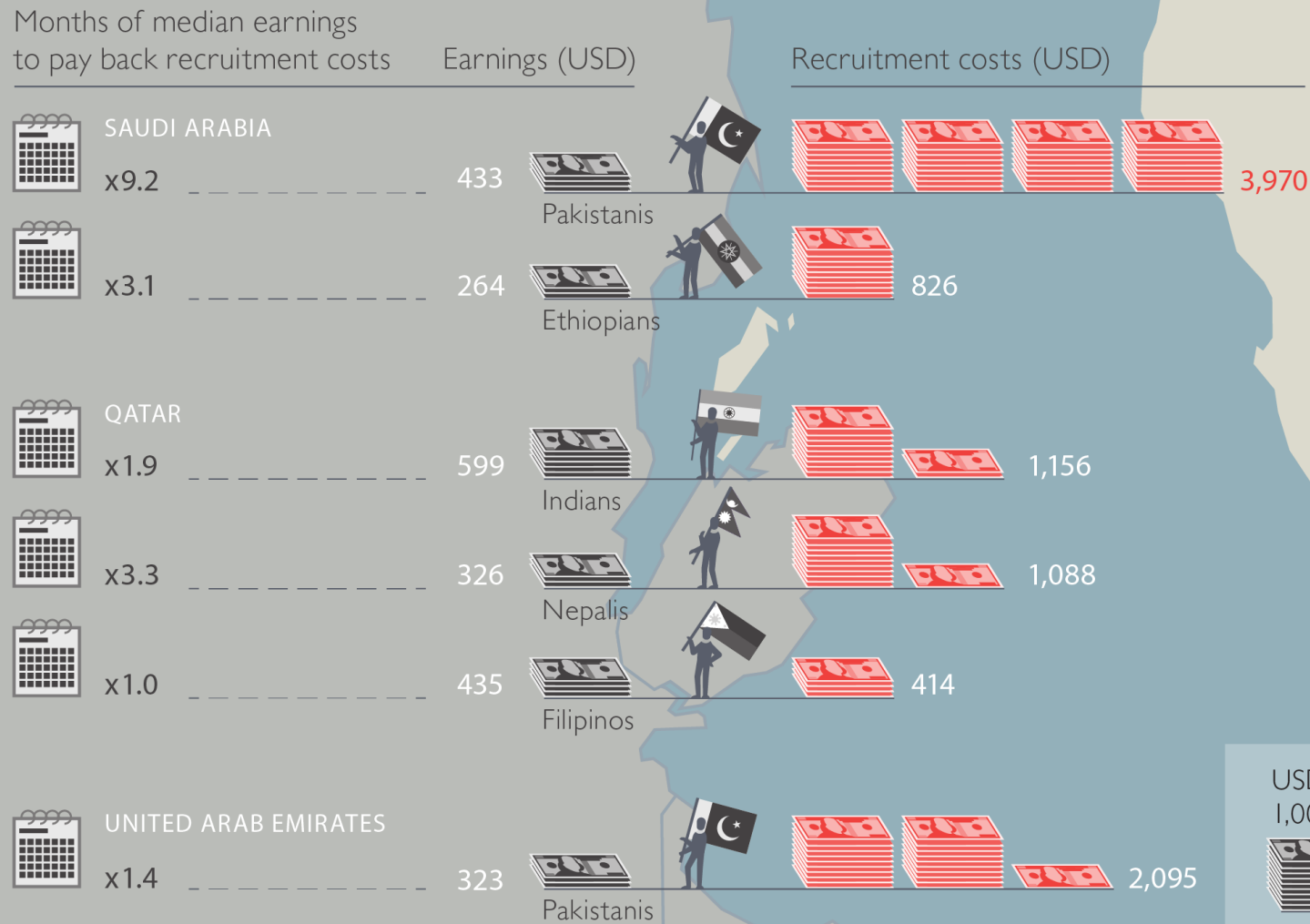
▶ Definition of Recruitment Fees and Related Costs

Illegitimate, unreasonable and undisclosed costs

- ▶ Extra-contractual, undisclosed, inflated or illicit costs are never legitimate.
- ▶ Anti-bribery and anti-corruption regulation should be complied with at all times and at any stage of the recruitment process.
- ▶ Examples of such illegitimate costs include: bribes, tributes, extortion or kickback payments, bonds, illicit cost-recovery fees and collaterals required by any actor in the recruitment chain.

Recruitment fees to GCC countries

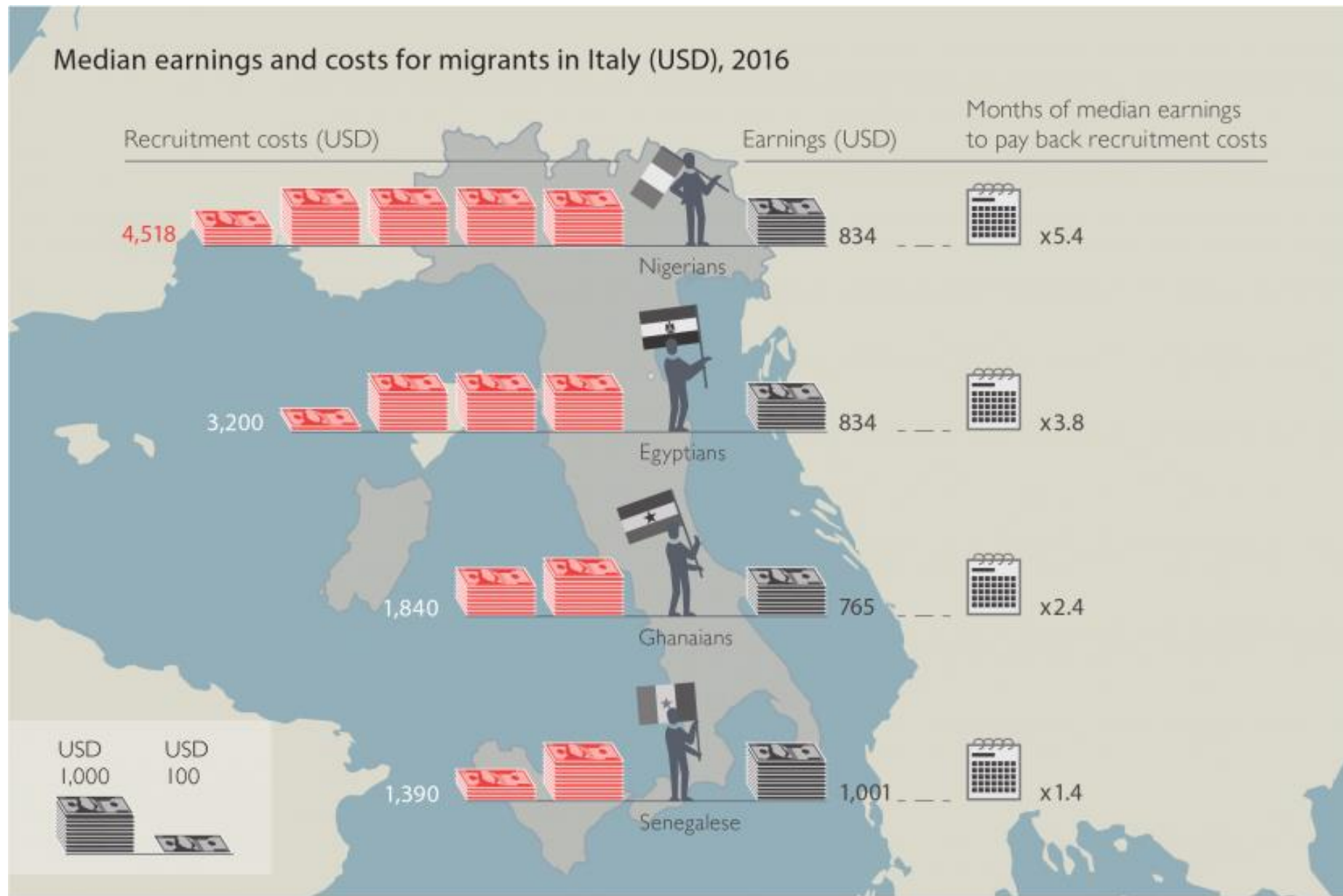
Median earnings and costs for migrants in Gulf Cooperation Council (GCC) countries (USD), 2014



Source: Own elaboration based on Martin, 2017.

© IOM's GMDAC 2017 www.migrationdataportal.org

Recruitment fees for recruitment to Italy for some non-EU nationals



Source: Own elaborations based on Martin, 2017.

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Recruitment fees

Example of Spain from KNOMAD survey 2014

Interview of 171 migrant workers employed in Spanish agriculture (90 from BGR, ROU, POL)

Spain	Morocco		Ecuador		Bulgaria		Poland		Romania	
	US\$	in month of wage	US\$	in month of wage	US\$	in month of wage	US\$	in month of wage	US\$	in month of wage
Average	384	0.35	1046.4	0.95	201.2	0.18	349.7	0.31	162.7	0.14
Median	376		951.5		179.5		317.2		117	
Mode	376		1401.5		177		273		117	
Min	50		853.5		72.8		273		100	
Max	954.5		1409.5		590.2		473.2		325	
Standard deviation	178		208.4		99.6		85.19		74.5	
<i>No. of observations</i>	43		33		42		19		30	

Source: Abella, M. And Martin, P. (2014). Migration Costs of Low-skilled labor migrants: Key Findings from Pilot Surveys in Korea, Kuwait and Spain. KNOMAD. Available [here](#).