



International Organization for Migration (IOM)



International  
Labour  
Organization

**2<sup>nd</sup> Regional Conference of the  
Alliance of Asian Associations of  
Overseas Employment Service Providers (AAA-OESP)**

**MAKING BREAKTHROUGHS IN THE IMPLEMENTATION OF  
ETHICAL AND PROFESSIONAL RECRUITMENT**

**Manila, Philippines  
1-2 April 2014**

**CONCEPT NOTE**

***Background and rationale***

Recruitment has become a much sought after service among jobseekers and employers. The challenges inability of governments to directly serve the increasing demand to provide human resources to a growing international labour market has led to an increased number of private recruitment agencies. Private agents now account for placement of the majority of workers abroad. The International Confederation of Private Employment agencies reported that, in 2011, there were 12.4 million agency workers (national and international) in full-time equivalents across the globe.<sup>1</sup> Recruitment has indeed become a significant industry.

Foreign employers generally derive assistance in sourcing desired human resources from countries of origin through local recruitment agencies who bridge communication barriers, describe necessary qualifications, announce the job vacancies, administer selection procedures (credentialing, testing, interviewing, and so on), and complete the documentation of qualified applicants (such as identity documents, passport, medical clearance). Amidst the positive role they play, recruitment agencies have also been mired with recruitment abuses and malpractices committed within their ranks or in collusion with their international counterparts.

For most of the recent years, the observed abuses and exploitation of migrant workers by recruitment agencies have outweighed or overshadowed the benefits of the services a number of these recruiters provide. The recruitment industry has become complex, involving many intermediaries both from the origin and destination countries. Varying levels of government regulation among origin countries and between origin and destination countries create different platforms of recruitment practices. Given that the supply of workers in lower wage countries far outstrips the demand and that there are far more workers intending to work abroad than there are jobs, migrant workers are vulnerable to abuses during recruitment<sup>2</sup>. Such abuses include high fees and costs, misrepresentation, failure to meet placement obligations and contract substitution. There is renewed interest in direct recruitment and government to government programmes.

While recruitment options for job-seekers should indeed be increased and layers of intermediation reduced, private recruiters provide the bulk of the job matching services in high volume labour migration corridors such as to the Gulf Cooperation Council. There is a wide and international

---

<sup>1</sup> [www.ciett.org-index.php?id=153](http://www.ciett.org-index.php?id=153)

<sup>2</sup> ILO, AP-MAGNET On-line Discussion on Recruitment (2011). See: <http://apmagnet.ilo.org/discussions>

consensus around the fact that international recruitment needs to be conducted in an ethical manner that protects the interests of the worker and employer.

A number of international conventions have advanced a guiding framework of what constitutes ethical recruitment, in particular ILO Convention 181 on Private Employment Agencies adopted in 1997, which contains important provisions aimed at preventing abuses of migrant workers in relation to recruitment and placement through private employment agencies. Two other international instruments are: the ILO Migration for Employment Convention (Revised) 1949 (No. 97) and the ILO Migrant Workers' (Supplementary provisions) Convention 1975 (No. 143). Further, in 1990, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families added its voice to the concerns. In 2005, UNIFEM supported the adoption of the Covenant of Ethical Conduct and Good Practices for Overseas Employment Services Providers. And most recently, the ILO convention on Decent Work for Domestic Workers completes the set of guidance available to government and the sector to regulate industry.

Governments have an important role to play with regard to the implementation of international standards and regulating the industry. Beyond regulations, the recruitment agencies themselves and their national industry association(s) are also key players in ensuring that ethical recruitment practices prevail. A notion of ethical recruitment prevails as a universal concept among the general public who expect honest and lawful recruitment services.

Most governments of countries of origin in Asia have given the opportunity to the private sector to engage in fee-based recruitment through the issuance of a license from their competent authority. The private sector has resources and expertise in matching jobs with skills which public entities cannot always effectively provide alone. The recruitment license is a privilege not a right and can be suspended, revoked or cancelled when conditions for its issuance are violated and the obligations arising thereof are reneged. While many recruitment agencies are able to obtain license, it remains to be no guarantee for ethical practice. Circumventive practices among licensed agencies, for instance, often lead to the detriment of migrants' welfare and other legal complications. Operations of licensed agencies are viewed as being far from ethical by their potential clients.

It is in the best interest of the recruitment industry for the government to regulate their operation in order to promote a level field where recruitment agencies can operate under the same set of regulations and not be undercut by the practices of unscrupulous or unauthorized intermediaries.

In pursuit of ethical recruitment practices, recruitment agencies need to be organized in a strong, democratic and representative national industry. This will also enable them to extend collective influence and/or participation in national policy processes.

National associations of recruitment agencies play a critical role in bringing the sector together. They enable an environment allowing the betterment of the industry as a whole. They have the legitimacy to convene the sector, aspire to serve the needs of its members, thrive to advocate on behalf of the sector on specific industry-wide concerns. National associations are created to fill a gap that might be better addressed through a collective voice. National associations can transform a fragmented and weakened industry into a powerful social partner useful for the government to design the best policies for the sector – whether regulation, self-regulation or de-regulation. National associations can hold the governments to account, they are susceptible to overcome restrictions on the freedom of the sector, they can create forum where members can exchange knowledge and best practices and jointly design solutions to challenges facing the sector either nationally or internationally.<sup>3</sup>

---

<sup>3</sup> Adapted from Resource Guide for National Associations : How to establish National Association. Civicus: World

In 2008, the national associations of recruitment agencies in Asia, including their government counterparts in job placement services, gathered in an IOM-organized regional conference workshop to conclude a *Commitment to Action on Ethical Recruitment* and declare their collective vision, mission and core values.<sup>4</sup> They had prepared to incorporate the *Alliance of Asian Associations of Overseas Employment Service Providers* (AAA-OESP) as a loose regional organization. They shared issues and concerns, notably the abuses committed against them by recruitment agencies of the destination countries and the alleged overregulated environment in which they operate. They expressed the need for international organizations to sustain the venue in which their concerns can be heard as a sector just as governments and civil society organizations have a rich field in which their advocacies are heard.

Today, recruitment agencies face several challenges: structural problems in the market where there is a dilemma among employers concerning nationalizing work forces versus making the most cost-effective hiring decision; increasing heterogeneity of hiring practices and migrant employment situations; competition from unscrupulous recruitment agencies; high rate of youth unemployment versus the lack of supply of more experienced and competent workers; increasing number and layers of recruitment agencies versus the static state of their services; the tightening of regulatory regimes vis-à-vis the rise of different employment engagements (i.e. seasonal employment instead of permanent re-settlement) and the impact of what regional integration could bring, an example of which is that of ASEAN 2015 where the mobility of qualified persons, skilled workers and professionals under some priority sectors will be facilitated, among others.

In this context, it is the opportune time to hold a follow up regional forum for national associations of recruitment agencies in Asia. There is a need to provide a forum for recruitment agencies to come together and craft the future they wish for the industry.

## **Event Description**

The event will be a two-day joint IOM-ILO round-table conference which will involve leaders from the private recruitment associations and representatives from the public recruitment bureaus from Colombo Process member states (CPMS), other selected migrant origin countries from Asia and receiving countries in Europe. It will be an occasion where participants will derive updates from international organizations and from their own ranks on model recruitment practices and industry organizing, as well as issues and challenges confronting recruitment of migrant workers. More importantly, the conference will also engage a review of the vision, mission and core values articulated by the AAA-OESP in 2008 and help draw to a programme of action to pursue regional cooperation, through the strengthening of national associations and their networking, in the pursuit and promotion of ethical recruitment practices and professionalism.

## **Objectives**

- a) To revisit the vision, mission, core values and *Commitment to Action on Ethical Recruitment* adopted during the first regional conference workshop in 2008 for the purpose of reflection on the desired future of the recruitment industry

---

Alliance for Citizen Participation.

4

[http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/rcps/colombo/2008\\_Report\\_on\\_the\\_Conference\\_Workshop\\_Philippines.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/rcps/colombo/2008_Report_on_the_Conference_Workshop_Philippines.pdf)

- b) To provide technical support to the organization/strengthening of national associations of the recruitment industry in Asia;
- c) To facilitate the re-establishment of the Asian network of recruitment agencies;
- d) To foster an exchange of ideas particularly on: 1) emerging trends and existing market realities in the recruitment industry; 2) innovations for fostering an environment conducive to ethical and professional recruitment; and 3) promising practices adopted and implemented by recruitment agencies which promote ethical and professional recruitment;
- e) To provide a venue for exploring concrete measures that will enable the recruitment industry to initiate and implement ethical and professional practice, which will result in the formulation of a Programme of Action and monitoring mechanism to be adopted by the AAA-OESP.

### **Desired Outputs**

- a) Indicative joint & parallel action programme of AAA-OESP in pursuit of ethical recruitment
- b) Collective industry resolutions on recommendations to government and their industry ranks for an enabling environment for ethical recruitment
- c) Sector association strengthening, at national and regional level
- d) Promising country practices and new initiatives shared & promoted
- e) Background research/orientation papers

### **Desired Outcomes**

This workshop conference aims to contribute to the following outcomes:

- a) Preparedness of the network of Asian recruiters for more responsible and ethical recruitment practices.
- b) Recognition as a legitimate regional network with a unified voice representing the recruitment sector.

### **Target Participants**

Two (2) delegates from each Colombo Process Member State (CPMS), namely: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Viet Nam. The Philippines, as the host country may be able to send additional observers. The two delegates will include one leader of the private recruitment industry and one representative of the state-run placement agency. If the country does not have a government-run placement agency, then an additional representative from the private recruitment industry will be considered.

One (1) leader from the International Confederation of Private Employment Agencies

One (1) leader from the European Recruitment industry

To the extent possible, the recruitment industry leader will be endorsed by a democratic consultative process which will have taken place prior to the conference. Where a CPMS requires government endorsement of delegates, this will be considered accordingly in the selection of the participant.

In consideration of its comparative industry size, selected additional representatives from the Philippine recruitment industry shall be allowed to participate as observers.

## **Programme**

The provisional programme of the Regional Conference is hereby attached.

## **Organizers**

This conference is organized jointly by the International Organization on Migration and the International Labour Organization.

### ***The International Organization for Migration***

With the support of the European Union, IOM is implementing a regional project on *Strengthening Labour Migration Management Capacities in Bangladesh, Indonesia, Nepal and the Philippines*. The overall objective of the project is to improve regular migration flows by helping various stakeholders in countries of origin, transit and destination to develop accredited and properly monitored intermediation establishments, and training of potential migrants, cooperation between national employment services and accredited reliable intermediation private agencies.

Specifically, this regional project intends to:

- Improve the capacity of the government and private recruitment agencies to effectively carry out recruitment monitoring.
- Enhance dialogue between countries of origin, transit and destination to promote safe and orderly migration that protects migrant workers.
- Increase the capacity of target countries to match labour demand with available supply.
- Promote access to information for potential, current migrant and migrant source communities on the migration process, legal employment opportunities, migrants' rights, and risks of irregular migration.

### ***The International Labour Organization.***

In 2011, the European Union has awarded the ILO funds to work on the issue of circular migration. The *ILO Decent Work Across Borders project: A Pilot project for Migrant Health Professionals and Skilled Workers*<sup>5</sup> seeks to better understand schemes in line with circular migration of health professionals. This will be done by engaging governments, trade unions, and employers organizations around the 3 main objectives:

- To strengthen mechanisms of policy dialogue among stakeholders
- To strengthen employment services for healthcare professionals and skilled workers

---

<sup>5</sup> [http://www.ilo.org/manila/info/public/pr/WCMS\\_173607/lang--en/index.htm](http://www.ilo.org/manila/info/public/pr/WCMS_173607/lang--en/index.htm)

- To enhance labour market information system with regards to the migration of healthcare professionals and skilled workers

Through this project, the ILO seeks to facilitate an approach to migration that benefits the migrant workers, the source and destination countries within a rights-based framework for labour migration management. The project focuses its activities on three Asian countries with significant outflows of health professionals and skilled workers for foreign employment, namely: the Philippines, India, and Viet Nam.