



6

LABOUR INSPECTION AND MONITORING  
FOR FAIR RECRUITMENT OF MIGRANT  
WORKERS



International  
Labour  
Organization



International Training Centre

# **Training toolkit on Establishing Fair Recruitment Processes**

## **Module 6**

### **Labour inspection and monitoring for fair recruitment of migrant workers**

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## GENERAL OBJECTIVES

This training module is on the potential role of labour inspection towards fair recruitment. It targets a range of stakeholders including labour inspectorates, senior officials within labour inspection and administration, relevant government officials in related public agencies and Members of Parliament dealing with employment, labour rights and labour migration.

By the end of this module, participants will be able to:

- Develop a better understanding of the potential role of labour inspectors and related public authorities in monitoring for fair recruitment of migrant workers in both countries of origin and destination.
- Have a better understanding of what constitute recruitment related abuses.
- Become familiar with indicators of unfair recruitment
- Consider strategies for effective monitoring and inspection for fair recruitment of migrant workers at both origin and destination.
- Consider operating procedures for effective monitoring and inspection pertaining to recruitment, at private recruitment agencies and places of work.
- Be in a better position to appreciate the potential of sound international collaboration in monitoring for fair recruitment
- Become acquainted with promising case studies around monitoring for fair recruitment from selected countries of origin and destination of migrant workers.

## INTRODUCTION

In 2019, there were about 169 million international *migrant* workers. They sent home a staggering USD 719 billion in remittances to their countries of origin (in the same year), including USD 548 billion to low- and middle-income countries.

Across the world, thousands of private recruitment agencies (PRAs) – including sub-agents, placement agencies and labour supply companies - play an important role in matching international migrant workers with available jobs abroad, especially given complicated regulations that differ by country.

These services by private recruitment agencies are appreciated by many. However, recruitment-related abuses are widely reported and include deception, contract substitution, placement in undeclared work and abuse of vulnerability during the recruitment process - especially of migrants in irregular situations; and while the cost of recruitment of migrant workers into higher skilled occupations tends to be paid by employers, millions of migrant workers continue to pay recruitment fees and related costs for job placement abroad in lower skilled jobs in sectors such as agriculture, construction, and hospitality; this despite regulations against such payments by workers. Especially where these fees and costs to migrant workers are inflated, they may result in debt, and situations akin to forced labour.

These recruitment-related abuses contribute to a multi-billion dollar business where culprits appear to be able to operate with a high level of impunity. In addition, few countries at best report comprehensive evidence of effective law enforcement against unscrupulous recruiters.

Recruitment-related abuse affects the lives of millions, and is an obstacle to achieving labour-related targets under the Sustainable Development Goals (SDGs) - in particular targets 8.7, 8.8 and 10.7. Such abuse also compromises countries' obligations pertaining to the ILO Fundamental Principles and Rights at Work under which States have an obligation<sup>1</sup>to:

- prohibit, and address as a criminal offence, all forms of forced or compulsory labour – including debt bondage as a result of unfair recruitment - in line with the ILO Forced Labour Convention, 1930 (No. 29), and
- advance prevention, protection and compensation measures, as required by the 2014 Forced Labour Protocol.

Regulation and monitoring of recruitment modalities - including operations of private recruitment agencies - are key to making progress towards decent work for all, including migrant workers.

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<sup>1</sup> This obligation stems from the 1998 ILO Declaration on the Fundamental Principles and Rights at Work and it applies to all ILO member States, even if they have not yet ratified the eight ILO fundamental Conventions.

This module covers the potential role of labour inspectorates in monitoring for fair recruitment of migrant workers across international borders and once in countries of destination<sup>2</sup>, through inspection of recruitment agencies at source and origin, and through workplace monitoring with attention to recruitment, at destination.

The module is composed of the following topics:

**TOPIC 1** presents the international legal and policy framework on the possible role of labour inspection in monitoring for fair recruitment.

**TOPIC 2** covers national parameters to be considered when optimizing the role of labour inspectorates in monitoring for fair recruitment.

**TOPIC 3** explores labour inspection strategies in both countries of origin and destination of migrant workers, covering both monitoring of private recruitment agencies (at origin and destination) and workplace monitoring (at destination).

Finally, **TOPIC 4** presents considerations pertaining to international cooperation in monitoring for fair recruitment.

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<sup>2</sup> It should be noted that the ILO fair Recruitment Principles and operation guidelines, and hence the ILO fair Recruitment Initiative in broader terms, applies to both workers recruited within and outside national borders. However, recognizing the specific needs and vulnerabilities of migrant workers in recruitment, this training material will focus on this target group.

## TOPIC 1: INTERNATIONAL LEGAL AND POLICY FRAMEWORK AND POTENTIAL ROLE FOR LABOUR INSPECTORATES

International law entitles all workers – including international migrant workers – to protection from abuse and exploitation, regardless of their nationality, legal status or type of work - be it in the formal or informal economy (see Box 1).

### Box 1 - Universal Declaration of Human Rights (Article 23):

- 1) **Everyone** has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- 2) **Everyone**, without any discrimination, has the right to equal pay for equal work.
- 3) **Everyone** who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- 4) **Everyone** has the right to form and to join trade unions for the protection of his interests.

Recruitment is the first step in any working relationship and part of protection from abuse of (migrant) workers revolves around monitoring of how workers are recruited. Although the social partners as well as non-governmental organizations can contribute to recruitment monitoring through self-regulation mechanisms, awareness raising and advocacy campaigns, it is States who bear the primary responsibility for regulating, monitoring and enforcing recruitment modalities, including the operations of private recruitment agencies.

ILO Private Employment Agencies Convention, 1997 (No. 181) recognizes the role that private employment agencies may play in a well-functioning labour market, and recognizes the need for governments to regulate and monitor the activities of private recruitment agencies in an effort to prevent abusive practices and ensure the protection of migrant workers' rights.

While labour inspectorates' prime mandate is to monitor conditions of work, they (and related administrative authorities) **can** play a critical enforcement role towards fair recruitment.

This possible role is spelled out in recent International Labour Standards and global policy instruments (see Box 2), while more details on the legal and normative framework pertaining to fair recruitment generally can be found in Module 2.

## BOX 2: Role of the labour inspectorate pertaining to recruitment in International Labour Standards and global policy instruments

Relevant recent International Labour Standards that highlight the role of the labour inspectorate and related authorities in recruitment include the following:

- **ILO Forced Labour Protocol P29 (2014)**  
It spells out measures to prevent forced labour, including in Article 2 cii: '(strengthening) labour inspection services and other services responsible for the implementation of legislation (against forced labour)'.
- **ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)**  
It states further: 'member states should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as regulating or licensing these services (Article 8e)
- **ILO Private Employment Agencies Convention, 1997 (No. 181)**  
Requires from ratifying States that 'supervision of the implementation of provisions to give effect to this Convention shall be ensured by the labour inspection service or other competent public authorities' (Article 14(2)).

The important role of labour inspectorates in recruitment is also highlighted in recent international policy instruments, including:

- **ILO General Principles and Operational Guidelines for Fair Recruitment (GPOG)**  
Prescribes: 'Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labour inspectorate and the use of standardized registration, licensing or certification systems should be highlighted. The competent authorities should take special measures against abusive and fraudulent recruitment methods, including those that could result in forced labour or trafficking in persons' (guideline 5).
- **Global Compact for Safe, Orderly and Regular Migration**  
Under the commitment towards fair and ethical recruitment it lists 'enhancing abilities of labour inspectors to better monitor recruiters, employers and service providers in all sectors' (objective 6f).

These international standards and policy instruments point at the importance of:

- Regulating or licensing private recruitment services, and
- Enforcement through labour inspectorates or other competent public authorities and which could include monitoring and enforcement of compliance of private recruitment agencies with the relevant regulatory framework, detection of abusive recruitment practices, and application of sanctions in both countries of origin and destination of migrant workers.



## TOPIC 2: NATIONAL PARAMETERS

Despite clarity in international instruments and guidelines on involvement of labour inspectorates in monitoring for fair recruitment, the role and mandate of labour inspectorates is less obvious in many national laws and practices.

The mandate of labour inspectorates with regards to monitoring for fair recruitment of (migrant) workers depends on a range of factors that are important to be considered in order to optimize the role of labour inspectorates towards ensuring fair recruitment practices. These include:

- **The nature of labour migration in the country.** Are we dealing with a country of origin or destination of migrant workers? What is the magnitude of in- and/or out-migration for work? Which migrant workers are most vulnerable to abuse in recruitment, what type of abuse do they face, and who are the perpetrators?
- **The coverage of relevant economic sectors by labour law.** To what extent does the labour law cover the various sectors of the economy, and in which sectors do labour migrants end up working?

It should be observed here that labour inspectorates tend to operate only in sectors of the economy that are covered by the labour law, while migrant workers often work in sectors that are not covered by the labour law, such as domestic work, agriculture and the informal economy.

- **The existence and scope of relevant regulatory framework** What regulatory modalities have been adopted to address labour migration, forced labour, and trafficking? To what extent has unfair recruitment been defined in law as a prohibited offence? What recruitment modalities are in place? Regulation of private employment agencies can take various forms<sup>3</sup>. It can be:
  - ✓ statutory, through laws and administrative decisions enacted by a legislative body or government authority and enforced by a government entity.

Where countries do have statutory regulation, this can imply prohibition of private recruitment agencies, a need for licensing or registration of private recruitment agencies and a possible role for public employment agencies.
  - ✓ voluntary, through measures adopted by an industry, business association, an individual company or a multi-stakeholder initiative involving various actors, including civil society organizations (e.g. Code of conduct of World Employment Confederation).

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<sup>3</sup> See Module 3 for more details on different regulatory approaches.

Even in situations where self-regulation is promoted, it would be advised to also promote inspection<sup>4</sup>.

- ✓ the outcome of a collective bargaining process.
- **The mandate and characteristics of labour inspectorates.** What role and mandate has been given to the labour inspectorate with regards to monitoring for fair recruitment, through monitoring of recruitment agencies (at origin or destination), and/or through workplace monitoring - with attention to recruitment (at destination) and what sanctions are at its disposal?;
- **The institutional, financial and technical capacities of labour inspectorates.** To what extent has the labour inspectorate been equipped to assume this responsibility, in addition to its regular work to inspect workplaces for conditions of work, OSH, payment of wages and adherence to working hours? Here we can think of trained staff resources with relevant skills, access to quality information, standard operating procedures, equipment, meaningful collaboration with other public authorities, sound reporting modalities.

Depending upon the outcome of these considerations per country - and where necessary - it is important to remind national authorities of their obligations under the Sustainable Development Goals (SDGs) and Fundamental Principles and Rights at Work (FRPRW), and arrive at a situation where national governments show the **political will to address unfair recruitment through:**

- a) comprehensive legislation that covers all sectors of the economy and all workers. Ideally, legislation should spell out minimum recruitment requirements (including no recruitment fees or related costs paid by workers) and should spell out what is abusive recruitment; Legislation could even make it an offense to recruit through non-licensed recruiters.
- b) inclusion of attention to fair recruitment in the mandate of labour inspectors or related authorities (in addition to their regular work - i.e. to check conditions of work, OSH, payment of wages, adherence to maximum working hours)
- c) the allocation of substantial resources and technical tools for effective enforcement by the labour inspectorate or related authorities.

For all involved stakeholders it would help if **'fair' recruitment** was defined in national policy and regulations in line with international standards and guidelines. At a minimum, that is recruitment...:

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<sup>4</sup> See 'Labour inspection in Europe' (ILO, 2010) which states: 'Labour inspectors enforce standards as laid down by national law. This makes them a far more effective tool than any voluntary compliance regimes'.

- At no cost to (migrant) workers;
- Where workers are protected from abuse - such as contract substitution, under/non-payment of wages, too long working hours, dangerous working conditions and debt bondage;
- Where workers have a transparent employment contract, with all rights and responsibilities spelled out clearly – and agreed upon based on informed consent;
- Where workers have access to justice - through accessible complaint, dispute settlement and compensation mechanisms;
- Where the process is not discriminatory – by nationality, gender, religion, ethnicity, legal status or legality of work performed (e.g. type of work visa);
- In line with international human rights and labour standards, including the right to just and favourable work conditions; freedom of movement; adequate standard of living; and social security;
- That respects the fundamental principles and rights at work, including freedom from forced labour (and child labour), equality of treatment in employment, freedom of association and collective bargaining and occupational health and safety at work<sup>5</sup>.

Ideally, national regulations should spell out **prohibited recruitment offences** (see Box 3 for an example) to be monitored by labour inspectorates (or other relevant public authorities)

Box 3: Prohibited recruitment offences may include:	
	Charging workers recruitment fees and costs
	Not issuing receipts for money paid by job seekers
	Not returning costs incurred to failed job applicants
	Offering or advertising bogus or non-existing jobs
	Offering false or misleading information to migrant workers
	Deploying migrant workers without duly approved employment contracts
	Deploying migrant workers to non-existing jobs
	Deploying migrant workers to jobs or employers other than applied for
	Deploying migrant workers to prohibited countries/jobs
	Confiscating personal documents of migrant workers
	Falsifying personal documents such as passports or other travel documents
	Deploying migrant workers without valid visa and/or permit to work abroad
	Substituting agreed employment contracts with inferior contracts

<sup>5</sup> In June 2022, the International Labour Conference agreed to add 'safety and health' to fundamental principles and rights at work. See: [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_848132/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_848132/lang-en/index.htm)

	Failure to keep in contact with migrant workers to ensure their well-being
	Failure to report migrant worker complaints of violations
	Bribing officials / agents of the law
	Accepting money in exchange for work visa
	Recruiting undocumented migrant workers
	Abuse of vulnerability of migrant workers
	Exploiting migrant workers through loans at exorbitant interest rates
	Exploiting migrant workers through human trafficking
	Threatened or actual retaliation against migrant workers and/or their families
	Discrimination in recruitment (e.g. preferential access to employment to certain individuals not based on objective criteria such as education and skills)
	Deploying migrant workers in poorer employment conditions than nationals or individuals or categories of workers
	Deploying migrant workers without a contract or with a contract in a language they cannot understand
	Offering substandard transportation and accommodation at any stage of the recruitment and employment stage
	Obstruction of the labour inspectorate / justice

Furthermore, where PRAs are present, their **licensing and registration requirements** should include attention to fair recruitment (e.g. commitment to no worker payment of fees and costs; keep copies of employment contracts) against which the performance of PRAs can then be monitored – directly through inspections of their premises, and/or indirectly through inspection of workplaces of migrant workers.

### TOPIC 3: LABOUR INSPECTION STRATEGIES

#### General

Assuming that labour inspectorates have a mandate to monitor for fair recruitment, through workplace inspection and/or inspection of PRAs, it is important that their role is spelled out.

Ideally, this role should be guided by the following:

- The need for multi-disciplinary teams that include a variety of relevant skills and expertise, including capacity to deal with linguistic, cultural and gender related challenges.
- Inspection visits should be targeted based on data mining from a variety of credible sources.
- Inspection visits should be unannounced and take place at any point of the day in any relevant sector, workplace or recruitment agency.
- A variety of methods should be used to inspect for recruitment related irregularities. These should include targeted interviews with employers and/or recruiters and selected migrant workers, and should include the review of selected employment contracts for irregularities and/or omissions.

Typical discrepancies to be spotted may include contracts not listing employer contact details (which hampers possible dispute settlement); contracts without a start date (which may result in non-payment of wages in cases where workers are not placed in work immediately<sup>6</sup>); contracts without overtime specifications (which may result in workers accepting to work overtime in order to make a minimum wage).

- Recruitment-related irregularities and indicators of unfair recruitment should be reported in line with applicable reporting requirements, and remedial action should be taken (i.e. ensure follow up to remedy the situation, impose sanctions according to reported irregularities, and provide referral assistance to migrant workers in need where necessary).

Where labour inspectors spot irregularities, they may be indicators of abuse that constitute violations. The most common indicators of abuse in recruitment – which are drawn from the ILO Forced Labour indicators - may include:

- ✓ Deception

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<sup>6</sup> Which is an issue of concern with labour supply companies that may 'warehouse' workers waiting to be placed in work (see R. Jureidini, *Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab States corridor*, ILO (2016).

- ✓ Contract substitution
- ✓ Worker paid recruitment and/or inflated recruitment costs and debt
- ✓ Placement into exploitative work
- ✓ Use of force and/or threats (such as retaliation against family members)
- ✓ Abuse of vulnerability (such as through charging for temporary housing; or abusing migrant workers fear of deportation)
- ✓ Limits to freedom through for instance passport confiscation

The presence of one or more of these indicators may signal ‘unfair’ recruitment (and may be called ‘indicators of unfair recruitment’). When labour inspectors have spotted recruitment related irregularities and have identified indicators of unfair recruitment, they always need to assess the situation as a whole and look beneath the surface. As a rule of thumb, the more indicators are present, the stronger grounding there is to believe that unfair recruitment is taking place. When in doubt, labour inspectors should assume that the migrant worker is a potential victim of abuse and take appropriate protective and assistance measures.

In line with the ILO Private Employment Agencies Convention, 1997 (No. 181), labour inspectors have a range of **administrative sanctions** at their disposal, and they may include:

- ✓ Issuance of a warning to address concerns within a deadline
- ✓ Imposition of fines
- ✓ Suspension of license
- ✓ Cancellation of license
- ✓ Order for closure of agency or workplace
- ✓ Blacklisting of violator

In case of severe abuse, **criminal sanctions** may also be considered. In such cases it is recommended that labour inspectors consult relevant judiciary. The advice by the judiciary may guide the labour inspectorate when filing a case with the police, for the latter to initiate criminal proceedings under the most relevant law (i.e. Penal Code, trafficking law or possibly others) or directly where inspectors have the authority to conduct arrests. Importantly, in all cases the inspectors need to act in the interest of migrant workers and not act as de facto immigration officers (i.e. maintain firewall with immigration authorities).

Overall, the more proof there is that the recruiters’ actions are deliberately and systematically exploitative, the stronger the argument for the case to be filed as a criminal offence.

Where migrant workers are found to have been abused, they should be offered appropriate referral services. This could include legal advice, counseling services, and assistance with dispute settlement.

**Rewards** – or positive incentives – may also be considered in cases where private recruitment agencies succeed in matching migrant workers with decent work in line with regulations. These may include extended license periods, tax incentives, return of part of the security deposit, participation in government-led overseas missions or quota under bilateral agreements, and inclusion in a publicly available list of recommended recruitment agencies.

Finally, following any inspection visit of PRAs and/or workplaces, inspectors should fill out **standardized inspection reports** per visit, and the inspectorate should produce aggregated performance reports that include attention to monitoring of recruitment of migrant workers. Such reporting would put the inspectorate in a position to demonstrate progress in addressing abusive recruitment (and towards achieving targets under the SDGs and FPRW).

### **Monitoring modalities**

The international labour standards and guidelines that refer to the role of labour inspectorates in fair recruitment (as covered under topic 1), and their translation into national regulatory frameworks defining the mandates and responsibilities of labour inspectorates (as covered under topic 2), result in **four possible ways of monitoring the performance of private recruitment agencies**, for fair recruitment of migrant workers. These are:

**(a) Pre-recruitment monitoring** – by reviewing the application for licensing or registration of a candidate private recruitment agency to assess its compliance with fair recruitment regulations and its capacity to deliver fair recruitment. Such review/clearance processes can be undertaken through a desk review of information and possibly interviews with applicant recruiters, and these can be undertaken in both countries of origin and destination of migrant workers. Development and use of a practical checklist of compliance criteria and guidance towards alignment can support in this task. place to support agencies alignment with requirements.

**(b) Monitoring during the recruitment process of migrant workers** – by conducting inspection visits to private recruitment agencies to monitor their performance against the licensing or registration standard, and applicable legislation. Such inspection visits can be conducted in both countries of origin and destination.

**(c) Pre-employment monitoring** – by reviewing the application of a candidate employer of migrant workers at destination for their compliance with fair recruitment regulations and their capacity to conduct due diligence on the recruitment agencies they are using to hire workers, and to deliver decent work to migrant workers, before issuing accreditation or proof of registration to the employer.

**(d) Post-recruitment monitoring** – by conducting workplace visits to inspect conditions of work of migrant workers at destination, including probing into the recruitment process/conditions of the worker.

It should be noted here that workplaces at destination may feature migrant workers that are employed by different employers, including the contractor, sub contractors, and labour supply companies, and this has implications on who can be held liable in case of irregularities.

Most of these types of monitoring can be undertaken by authorities in countries of origin and destination.

**Table 1: Types of monitoring the performance of private recruitment agencies in contact with employers for fair recruitment of migrant workers**

By authorities at	Monitoring types			
	Pre-recruitment monitoring at source and destination (i.e. through licensing or registration)	Monitoring during recruitment at source and destination	Pre-employment monitoring of employers at destination (through registration or accreditation)	Post-recruitment monitoring of workplaces at destination
Country of origin	√	√	√	
Country of destination	√	√	√	√

Depending upon the countries situation, relevant stakeholders may wish to consider in further detail:

- A. Possible role of labour inspectorates in monitoring PRAs (for countries of *origin* of migrant workers)
- B. Possible role of labour inspectorates in monitoring PRAs (for countries of *destination* of migrant workers)
- C. Possible role of the labour inspectorate to monitor for fair recruitment during workplace visits (for countries of *destination* of migrant workers)
- D. Possible role of the authorities from countries of *origin* in reviewing the suitability of employers abroad

**A. Possible role of labour inspectorates in monitoring PRAs in countries of origin**



In countries of origin of migrant workers where private recruitment agencies are active, labour inspectorates (or related public authorities) may monitor their performance for fair recruitment.

This can be done through vigorous examination of a private recruitment agency at the time of the application for a license (or registration), and again at the time a license is up for renewal. Ideally, such reviews - that tend to be desk-based - should be undertaken against a licensing standard that includes principles of fair recruitment, and may include interviews with staff of the recruitment agency.

To address concerns with regards to ‘phoenix’ agencies that may pop-up after abusive recruiters have been closed down, authorities may consider biometric registration systems for private recruiters at origin.

In addition to a vigorous examination of recruiters at the time of licensing, labour inspectors may undertake inspection visits to private recruitment agencies. The intention of the visit should be to ascertain that the recruitment agency under consideration is running a viable business in line with recruitment regulations, to spot recruitment irregularities and abuse of migrant workers where they occur, and to undertake remedial action where necessary (i.e. reporting, sanctions against offenders, referral services to migrant workers where necessary).

Importantly, national regulations should spell out recruitment related abuses that are prohibited. An example of prohibited recruitment abuses is offered in Box 4 from the Philippines.

Box 4: Prohibited recruitment offences as per regulations in the Philippines:	
√	Recruitment of migrant workers through non-licensed agencies
√	Charging migrant workers recruitment related fees and costs beyond what is spelled out in regulations
√	Recruitment for non-existent jobs or work that is different than promised, or with a different employer than the registered one
√	Employment contract substitution
√	Withholding travel documents from migrant workers for control purposes
√	Imposing compulsory loan arrangements upon migrant workers, and against exorbitant interest rates (i.e. above 8% per year)
√	Obstructing inspections of PRAs

Where resources are finite, inspection visits should be targeted based on intelligence and data mining (i.e. cross-tabulating data sets on for instance housing, social security and tax evasion), and ideally, such visits should be unannounced.

During such visits it is advised to randomly check employment contracts, work visa, filing systems, agreements and/or communications with actors in countries of destination, and to randomly interview some migrant workers along with staff.

In order to be able to interview migrant workers during the visit, it is important to have relevant interpretation services available.

For inspiration on monitoring of recruitment agencies at origin, please see Box 5.

#### **Box 5: Case example of the Philippines Overseas Employment Authority (POEA)**

The Philippines is a country of origin of migrant workers. It has a special authority to manage and oversee recruitment of Filipino migrant workers, namely the Philippines Overseas Employment Agency (POEA).

Crucially, a range of recruitment related abuses are prohibited by law. This makes it possible for qualified compliance officers to monitor against these prohibited abuses.

Candidate recruitment agencies are vetted through panel interviews with POEA staff and need to show proof of available jobs abroad (to be verified by a Filipino consulate).

One licensing requirement is the payment of an escrow deposit of Pesos 1 million (approx. USD 20,000). This allows for possible legal claims by migrant workers to be settled. Another is the requirement of a lease contract for an office space of at least 100 m<sup>2</sup> (to reduce the likelihood of phoenix agencies).

Licenses are issued to recruitment agencies that adhere to a code of conduct for fair recruitment. Inspectors can monitor against this code.

A regular license can only be obtained upon deployment of at least 100 migrant workers under a provisional license, and on the condition of no pending labour cases by any of these migrant workers. A regular 4-year license may be renewed. However, in case of pending labour complaints by migrant workers, the PRA needs to deposit an additional Pesos 100,000 (approx. USD 2,000) per migrant worker.

Prior to deployment of the migrant worker, the employer at destination must be accredited with the POEA (through labour attachées based in countries of destination).

Importantly, licensed PRAs in the Philippines assume joint and several liability with the foreign employer for all claims and liabilities which may arise from the employment contract with the migrant worker.

Qualified labour law compliance officers (LLCOs) monitor compliance of licensed recruitment agencies at least once every 2 years, and upon receiving a complaint by migrant workers. They do so using a prescribed checklist (as per department order 131-13).

In order to depart for work abroad, Filipino migrant workers require a written contract that is approved by the POEA, and which is in line with a minimum set of provisions.

To incentivize that PRAs deliver quality service, the POEA also runs an award programme where top performers benefit from beneficial treatment. Evaluation criteria include:

- Compliance with recruitment regulations and absence of recruitment abuse cases
- No placement fees charged to migrant workers
- Volume and quality of deployment of migrant workers, and accomplishments in generating new work opportunities

The POEA keeps a list of PRAs updated publicly, including information on their status in terms of sanctions (i.e. suspension of license, cancellation, ban, delisting) and rewards.

For more on this case study see: Case study 1 in *'Labour inspection and monitoring of recruitment of migrant workers; Technical brief'* (ILO, 2022)

## **B. Possible role of labour inspectorates in monitoring PRAs in countries of destination**

In countries of destination of migrant workers where private recruitment agencies are active – including placement agencies and labour supply companies - labour inspectorates (or related public authorities) may monitor their performance for fair recruitment.

This can be done through vigorous examination of a private recruitment agency at the time of the application for a license (or registration), and again at the time a license is up for renewal. Ideally, such reviews – that tend to be desk-based - should be undertaken against a licensing standard that includes principles of fair recruitment and that thus offers a baseline against which inspectors can monitor. An example of a licensing standard is the one of the United Kingdom where applicants for a recruitment license must adhere to standards in 8 areas (see Box 6).

### **Box 6: Licensing standard for private recruitment agencies – example from the UK**

*Applicants for a private recruitment agency license in the UK must adhere to standards in 8 areas as follows:*

√	Act in a proper and fit manner (i.e. have understanding of the licensing standard; no prior criminal conviction for, amongst others fraud, violence, forced labour, human trafficking, blackmail and harassment)
√	Comply with all relevant wage payment and tax requirements
√	Not subject a worker to maltreatment (including deception about the nature of work, pay or living conditions, abuse of vulnerability, use of threats, use of violence, use of force, restriction of movement, retention of identity papers, loaning money without repayment conditions in writing)
√	Cooperate with the employer to ensure the safety and health of workers
√	Not charge fees to workers for any work-finding services
√	Provide contractual terms spelled out in writing before supplying a worker, and a license holder must keep records of these, along with the names of labour users or sub-contractors
√	Any worker must be able to cancel or withdraw from the employment contract subject to proper notice
√	Only use a sub-contractor and/or other labour provider who holds a current GLAA license (and this includes possible foreign labour providers)

To address concerns with regards to ‘phoenix’ agencies that may pop-up after abusive recruiters have been closed down, authorities may consider biometric registration systems for private recruiters at destination.

In addition to a vigorous examination of recruiters at the time of licensing, labour inspectors may undertake inspection visits to private recruitment agencies that are in operation. The intention of the visit should be to ascertain that the recruitment agency under consideration is running a viable business in line with recruitment regulations, to spot recruitment irregularities and abuse of migrant workers where they occur, and to undertake remedial action (i.e. reporting, sanctions against offenders, referral services to migrant workers where necessary).

Where resources are finite, such inspection visits should be targeted based on intelligence and data mining. Ideally, such visits should be unannounced.

During such visits it is advised to randomly check employment contracts, work visa, filing systems, agreements and/or communications with actors in countries of origin, and to randomly interview some migrant workers along with staff.

In order to be able to interview migrant workers during the visit, it is important to have relevant interpretation services available and to be gender sensitive.

For inspiration on inspection of recruitment agencies at destination, please see Box 7.

### Box 7: Gangmasters and Labour Abuse Authority (GLAA), the United Kingdom

The UK is a country of destination of migrant workers, which adopted the Gangmasters Licensing Act (2004) against abuse of foreign labourers.

The Act created a compulsory licensing system for labour providers and employment agencies in specified sectors, and created the Gangmasters and Labour Abuse Authority (GLAA). The GLAA is tasked with issuing licenses to labour providers in the specified sectors, ensuring compliance through inspections, and investigating possible violations under the Act. Since 2017, the GLAA has extended investigative powers across the wider labour market aimed at protecting (migrant) workers from exploitation.

The Gangmasters Licensing Act is very pro-active in that it spells out as a criminal offence:

- a) to operate without a recruitment licence (or possess a licence belonging to someone else)
- b) for employers in the specified sectors to knowingly use the services of an unlicensed labour provider
- c) to obstruct a GLAA officer in the course of their duties

This puts the onus on any recruiter and employer to do thorough due diligence throughout its value chain.

The Act even has an extra-territorial dimension in that it requires PRAs in countries of origin that intend to place migrant workers in the UK to also apply for a license with the GLAA. In this way, the GLAA can hold an agency responsible for what migrant workers were told in the country of origin, even without extra-territorial jurisdiction.

The licensing standard requires labour providers that apply for a licence to comply with a range of laws pertaining to employment, wages, social insurance, taxes, housing, and immigration. Applicants must adhere to standards in 8 areas (see above).

After an application for a licence is submitted, the GLAA will review all documentation against the standards, run checks with other UK enforcement agencies (and, if required, authorities in other countries), determine whether an inspection is required, and apply a score that will determine whether the licence is approved or declined. Any licences are issued for a twelve-month period.

Inspection of licence holders is guided by an intelligence-led approach to ensure a focus on investigating the actors with the highest risk of victim exploitation (and is undertaken

against the licensing standards). Intelligence is based on a range of sources and includes information from countries of origin.

In case of minor violations to the licensing standard, additional licensing conditions may be imposed. These additional conditions show the areas that need to be corrected within an agreed time. Failure to resolve these issues timely may result in the licence being revoked.

In case of gross violations to the licensing standards, a licence will be revoked. If the nature of the breaches of the standards represents serious risks to the health, welfare, and safety of workers, the revocation may be immediate. This means the employer may not continue to trade. If it does so, it would be investigated and could be prosecuted. If the nature of the treatment of the workers constitutes forced labour, the case will be referred to the GLAA officers with the specialist police powers to investigate the alleged offence. This may result in prosecution.

Especially in case of suspected criminal offences, the GLAA cooperates with the police and the national crime agency (NCA)<sup>7</sup>. However, its wider powers<sup>8</sup>, granted in 2016, enable it to lead criminal investigations into an increased number of offences in the labour market, including the forced labour offence.<sup>9</sup>

Standard operating procedures for the work of GLAA staff are spelled out in a code of practice<sup>10</sup> and cover inspection visits to both labour providers (i.e. recruiters) and labour users (i.e. worksites).

For more on this case study see: Case study 3 in *'Labour inspection and monitoring of recruitment of migrant workers; Technical brief'* (ILO, 2022)

### **C. Possible role of the labour inspectorate to monitor for fair recruitment during workplace visits**

In countries of destination of migrant workers, labour inspectorates (or related public authorities) may inspect workplaces of migrant workers, including attention to recruitment.

For the sake of transparency, any business that recruits migrant workers should ideally be registered - including temporary work agencies, labour supply companies, and employers who outsource migrant workers to worksites of other contractors.

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<sup>7</sup> In case of England and Wales (not Scotland and Northern Ireland).

<sup>8</sup> See section 12 Immigration Act 2016 - <https://www.legislation.gov.uk/ukpga/2016/19/section/12/enacted>, and the detail of those powers - <https://www.legislation.gov.uk/uksi/2017/520/contents/made>

<sup>9</sup> See section 3(3) of the Immigration Act 2016 - <https://www.legislation.gov.uk/ukpga/2016/19/section/3/enacted>

<sup>10</sup> See: *'Code of practice on compliance, enforcement, labour market and modern slavery investigations'* (2018) at: <https://www.gla.gov.uk/our-impact/how-we-inspect-and-prosecute>.

Manitoba province of Canada offers a useful example of such employer registration requirements (see Box 8).

<b>Box 8:</b> <b>Example of registration requirements for employers in Manitoba province (Canada)</b>	
<i>In order to register their business, employers that wish to hire migrant workers must:</i>	
√	provide details regarding their business, the entity in charge of recruiting the foreign worker, and the position that the foreign worker(s) will hold
√	be in compliance with labour standards and have no outstanding labour violations
√	provide detailed information about the worker, their contact information, and details about their job and duties
√	be prepared to provide expense records and any contracts or agreements signed with foreign workers
√	declare whether or not s/he is using a recruitment agency to recruit migrant workers. (Note: In case of direct recruitment, the employer is responsible for reimbursing the migrant worker for any recruitment related payments. In case of recruitment through a licensed agency, that agency is liable to reimburse the migrant worker for any recruitment related costs)
√	Not use a recruiter who does not hold a license under the recruitment Act of Manitoba Province
<p>Employers who apply for employment of migrant workers may be investigated for compliance with the labour law by officers of the Employment Standards Branch (ESB), at which time they are reminded of their liability in case of recruitment related abuse (such as payment of recruitment fees by migrant workers). In case the investigation reveals a problem, the ESB will deny the employer’s registration application until it has come into compliance.</p>	

Workplace inspections should be targeted based on cross tabulation of data and information (i.e. data-mining) from a range of credible sources, and aimed at sectors and workplaces where fraud and abuse against migrant workers is presumed.

To enhance the quality of the inspection visits, the teams should be multidisciplinary in nature and include a variety of skills, including sensitivity to gender and cultural diversity. However, labour inspectors should guard against serving as de-facto immigration officers. It is critical to highlight the need to maintain firewalls between inspection and immigration authorities to ensure effective protection of workers and avoid that fear of deportation de facto prevents workers from reporting abuses.

Inspections should be unannounced and be targeted at any relevant sector and any workplace at any point of the day - including evenings and weekends - and include businesses in the informal economy.

The intention of the inspection visit should be to ascertain that the employer under consideration is running a viable business and migrant workers have benefitted from fair recruitment and decent work, to spot recruitment irregularities and abuse of migrant workers where this have occurred, and to undertake remedial action (i.e. reporting, sanctions against offenders, referral services to migrant workers where necessary).

In order to be able to interview migrant workers during the inspection visit, it is important to have relevant interpretation services available.

For inspiration on workplace inspections, please see Box 9.

#### **Box 9: Example of social inspection in Belgium and the Netherlands**

Belgium and the Netherlands are countries of destination of migrant workers. Both countries offer workplace inspections through especially trained social inspectors who are skilled in spotting indicators of forced labour and human trafficking. Some of these indicators relate to recruitment related abuse, such as contract substitution, debt from recruitment, and prolonged retention of passports<sup>11</sup>.

These specially trained inspectors work with a range of other authorities in teams that are multi-disciplinary in nature, and may include the police and municipalities, and in Belgium also decentralized social and labour inspectors.

The inspection teams target workplaces in sectors of the economy that are prone to abuse of migrant workers such as agriculture, construction, transportation, hospitality and cleaning. The targeting of workplaces within these sectors (for abuse) is intelligence-based and results from data mining through a range of information sources, such as social services (e.g. tax authorities, social security services, economic migration service), complaint mechanisms, trade unions, NGOs and research/expert centers. Targeting also benefits from social dialogue.

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<sup>11</sup> See Teamwork manual at <https://www.government.nl/documents/publications/2016/01/18/manual-for-experts-on-multidisciplinary-cooperation-against-trafficking-in-human-beings-for-labour-exploitation>.



Importantly, these social inspectors have the authority to make unannounced surprise visits, in any workplace, in any sector and at any point of the day.

In Belgium, the targeting of joint inspections is decided upon in monthly meetings with core actors, and within an overall annual action plan that covers around 10,000 joint inspections per year (and involving an estimated 400 especially trained inspectors).

In Belgium, labour inspectors have overall targets for the number of inspections they have to conclude. Interestingly, they are exempted where serious abuse cases require them to investigate more comprehensively.

Following a financial boost of Euro 50 million for staff expansion in 2017, the Netherlands Labour Authority forecasts the preferred enforcement rate (of the labour law) in the years 2020 to 2023, which contributes in a different way to maintaining focus in the work of the inspectorate.

In both countries it is commonly considered crucial to have sufficient trained inspectors in order to conduct thorough inspections - including workplace visits with direct observations, in-depth interviews, gathering evidence, conducting follow up visits, consulting other actors, and reviewing documents. It is recognized furthermore that spending time on reporting may have a significant impact on the outcome in court of reported labour abuse cases.

In both countries, all (migrant) workers that are interviewed during inspections are taken private for the interview, and complaints are treated confidentially (including those by irregular migrant workers).

When spotting potential victims of trafficking for labour exploitation, inspectors have the duty to involve relevant colleagues to inform potential victims of their rights.

For more on this case study see: Case study 5 in '*Labour inspection and monitoring of recruitment of migrant workers; Technical brief*' (ILO, 2022)

#### **D. Possible role of the authorities from countries of origin in reviewing the suitability of employers abroad**

Through labour attachées or consular staff, countries of origin could also check on the suitability of employers of migrant workers at destination. At a minimum, they should check the validity of business licenses of the employers, any job orders, and possible history of labour abuse and keep track of the well-being of their citizens during deployment abroad.

The Philippines (see Box 5) offers an example of reviewing foreign employers for accreditation ahead of deployment of Filipino migrant workers.



#### TOPIC 4: INTERNATIONAL COOPERATION

As migrant workers move across international borders for employment abroad, any recruitment of a migrant worker features a series of activities by a range of actors in both the country of origin and destination.

While work to monitor for fair recruitment within countries is important, its effectiveness could be enhanced through international cooperation among relevant actors across countries.

These could include the following types of collaboration among inspectorates:

- Exchange of information and experience among inspectors in like-minded countries of origin. This could enhance the effectiveness of operations on all sides.
- Exchange of information and experience among inspectors in like-minded countries of destination. This could enhance the effectiveness of operations on all sides.
- Information sharing on private recruitment agencies and employers of migrant workers among inspectors in countries of origin and destination. This could facilitate the spotting of recruitment related irregularities and contribute to establishing fair recruitment corridors.
- **Joint inspections and detachment of inspectors of the country of origin/destination in the country of destination/origin.**

More broadly, collaboration in the context of the work of labour inspectorates for fair recruitment could include:

- Coordination for standard employment contracts that are accepted in both countries of origin and destination. Such mutually agreed standard contracts may reduce misunderstanding at the stage of recruitment and would serve as an unambiguous point of reference against which inspectors can monitor both at source and destination. Article 22 of the model bilateral agreement in the Annex to ILO Recommendation No. 86 could be used as a basis, while including clauses pertaining to fair recruitment. These standard employment contracts should be annexed to bilateral agreements that are concluded between countries of origin and destination, and serve as a basis for inspections.
- Agreement among countries of origin and destination on standard contracts between the employer or placement agency at destination, and the recruitment agency at source. Such contracts would enhance transparency and offer a framework within which employment contracts of migrant workers can be monitored. Viet Nam offers an example of such meta-contracts between labour suppliers and employers at destination (see Box 10), while inspiration can also be

drawn from ILO Recommendation No. 86. Contracts involving three parties (i.e. employer, recruiter and worker) are also possible.

#### Box 10: Example from Viet Nam of requirements for labour supply contracts

Private recruitment agencies in Viet Nam must have signed labour supply agreements with employers abroad before being allowed to facilitate the recruitment of Vietnamese migrant workers. These labour supply agreements must meet minimum requirements (see Art 19 of Law 69)<sup>12</sup> against which employment contracts of migrant workers may be evaluated. These requirements include specifics with regards to:

- Duration of contracts;
- Nature of work;
- Work location;
- Work conditions;
- Working hours and rest time;
- OSH;
- Salary and other benefits plus overtime arrangements;
- Accommodation and travel;
- Medical treatment;
- Insurances;
- Contract termination clauses;
- Service fee paid by foreign employment receivers (if any);
- Coverage of travel costs;
- Dispute settlement arrangements.

These labour supply contracts offer a way to ensure Vietnamese recruitment agencies perform due diligence with employers prior to placement of Vietnamese workers abroad.

- Coordination among countries for enhanced due diligence standards and transparency in subcontracting arrangements pertaining to migrant workers. This could facilitate effective monitoring and address abuse of migrant workers further down the subcontracting chain.
- Strengthening of bilateral agreements between countries of origin and destination by spelling out the role of the labour inspectorate at source and destination pertaining to coordinated monitoring of recruitment and placement agencies, and sharing of information among inspectorates.

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<sup>12</sup> A corresponding model labour supply contract is annexed to Circular 22/2013/TT-BLĐTBXH. Available at: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=97044](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=97044).

## KEY LEARNING POINTS

- Private recruitment agencies - including sub-agents, placement agencies and labour supply companies - play an important role in matching migrant workers with available jobs, especially given complicated regulations that differ by country.
- Low skilled migrant workers are particularly vulnerable to abuse in their recruitment for work. Especially where recruitment fees and costs to migrant workers are inflated, they may result in debt, and situations akin to forced labour.
- In line with international labour standards and policy instruments, labour inspectors – and related authorities – may play a role in monitoring for fair recruitment, in addition to their regular work to monitor conditions of work. It is crucial though that national authorities show the political will to provide labour inspectorates with such a mandate, along with sufficient resources for enforcement.
- Ideally, national regulations need to define fair recruitment along with recruitment related offences in order to enable law enforcement against unambiguous fair recruitment goals.
- Registration or licensing requirements of private recruitment agencies need to include conditions that revolve around migrant worker rights and transparency, thus offering benchmarks for fair recruitment for labour inspectors (or other public authorities) to monitor against.
- In countries of origin and destination of migrant workers, such monitoring for fair recruitment may include systems to register or license private recruitment agencies, followed by monitoring against licensing criteria.
- In countries of destination, such monitoring for fair recruitment may also include workplace monitoring with attention to recruitment of migrant workers.
- The effectiveness of monitoring by labour inspectorates can be enhanced significantly if inspectorates target their inspections based on intelligence from a range of reliable sources, cover any possible workplaces or recruitment agencies at any point of any day, and if their visits are unannounced.
- Indicators of unfair recruitment and training of labour inspectors in spotting recruitment related offences and how to go about remedial action may contribute to achieving fair recruitment.
- Given the cross-border nature of labour migration, any partnerships between labour inspectorates in countries of origin and destination may enhance the cumulative law enforcement capacity against abusive recruitment of migrant workers.

- Standardized reporting on law enforcement for fair recruitment by labour inspectorates would enable inspectorates to demonstrate progress in addressing abusive recruitment and towards achieving targets under the SDGs and FPRW.

## TEST YOUR KNOWLEDGE

What have you learned? Take the quiz below to test your knowledge.

- 1) Recruitment of migrant workers that results in debt bondage**
  - a) Is a criminal offense against the migrant worker
  - b) Is an administrative offense against the migrant worker
  - c) Compromises a country's obligations under the Sustainable Development Goals
  - d) Compromises a country's obligations under the ILO Fundamental Principles and Rights at Work
- 2) Where PRAs are active they should be licensed**
  - a) True
  - b) False
- 3) According to international law, the enforcement of national regulations for fair recruitment should be done by labour inspectorates or other competent public authorities.**
  - a) True
  - b) False
- 4) Which of the following are key challenges in the area of enforcement for fair recruitment**
  - a) Not all sectors in which labour migrants work are covered by the labour law in many countries
  - b) Many countries have not defined recruitment related offences that are prohibited
  - c) Labour inspectorates often do not have a clearly defined mandate with regards to monitoring of private recruitment agencies
  - d) Bilateral labour migration agreements often lack a clearly defined monitoring framework that includes a role for labour inspectorates
- 5) Which statement describes 'fair recruitment' best – i.e. recruitment:**
  - a. through a licensed recruitment agency
  - b. at no cost to migrant workers and with an employment contract based on informed consent
  - c. where migrant workers pay a fee to guarantee a job abroad that is well paid if one works overtime

- d. where migrant workers are promised free housing and food on top of a salary
- 6) **Which of the following is most concerning from a fair recruitment perspective when reviewing an employment contract of a migrant worker**
- a) When it lacks a stamp
  - b) When it lacks a start date, salary and overtime specifications and termination clauses
  - c) When it is written in the language of the country of destination
  - d) When the recruitment agency is not mentioned in the text
- 7) Which situation offers the best guarantee for fair recruitment to occur?
- a) where PRAs at origin are held accountable by law for recruitment related abuse abroad
  - b) where PRAs at origin have financial means of over 1 million USD
  - c) where PRAs at origin pay an escrow deposit against migrant worker claims
  - d) where PRAs at origin have staff with a university degree
- 8) Which of the following offers the strongest legislation against recruitment related abuse:
- a) Where regulations spell out the need for employers of migrant workers to register
  - b) Where legislation spells out as a criminal offence to operate without a recruitment licence
  - c) Where legislation spells out as a criminal offence to operate without a recruitment licence and where licensing conditions include the prohibition to charge migrant workers for recruitment
  - d) Where forced labour is defined as a criminal offence
- 9) Ideally, inspection visits should be held in any sector, in any workplace, at any point of the day, and should be announced beforehand
- a) True
  - b) False
- 10) During workplace visits labour inspectors should check on the legal status of migrant workers and report them to the immigration department in case of issues
- a) True
  - b) False

**Responses:**

1: a, c, d;

2: b (i.e. alternatives could be registration, voluntary mechanisms or collective bargaining)

3: a

4: a, b, c, d

5: b

6: b

7: a (though 'c' can also be mentioned if it is used actively)

8: c

9: b (ideally, they should be unannounced and covering any workplace or PRA)

10: b (important to keep a 'firewall' and focus on protecting migrant workers from abuse)



## TRAINING ACTIVITIES

Training activity 1	
<p><b>Group discussion and plenary review</b></p>	<p>Objectives</p> <ul style="list-style-type: none"> <li>- Develop a better understanding of the context within which labour inspectors may play a role to monitor for fair recruitment</li> <li>- Identify key elements of policies to monitor for fair recruitment</li> <li>- Recognize differences in monitoring needs at origin and destination</li> </ul>
<p><b>Instructions for the trainer</b></p>	<p>Divide participants in small groups of 4-5 persons per group (possibly by country). Half of the groups should cover countries of origin. Half of the groups should cover countries of destination.</p> <p>Keeping in mind the main considerations from topic 2, each group should take 15-20 minutes to discuss and list what would be the key elements of a policy to monitor for fair recruitment of migrant workers (think of legislation; conceptual clarity on fair recruitment and abuses; legality of PRAs; PRA licencing conditions, mandate of labour inspectors and/or others; resources of labour inspectors)</p> <p>Once group discussions are completed, each group should take 15 minutes to compare notes with like-minded groups (i.e. among groups dealing with countries of origin; and separately among groups dealing with countries of destination) and write up a consolidated version on a flip-chart for the groups dealing with 'countries of origin' and separately for the groups dealing with 'countries of destination'.</p> <p>In a plenary review, a volunteer from the groups dealing with 'countries of origin' should present group results, followed by a presentation by a volunteer of the groups dealing with 'countries of destination'.</p> <p>The facilitator then wraps up the session by drawing out commonalities and differences between the groups dealing with countries of origin and destination.</p>

<b>Tips</b>	<ul style="list-style-type: none"> <li>- Ensure each group is gender diverse and consists of participants that fit the description ‘country of origin’ or ‘country of destination’ of migrant workers.</li> <li>- Encourage active participation of all members in the group</li> <li>- Provide each group with the assignment printed on paper</li> <li>- Encourage all to be as detailed as possible in coming up with responses</li> <li>- Encourage reporters to be as concise as possible in listing the essence on a piece of paper / flipchart</li> <li>- Ahead of the plenary presentations, invite all to listen carefully and possibly add complementary perspectives only.</li> <li>- In the plenary wrap-up, be sure to underline the importance of clarity on what constitutes recruitment abuse, clarity on relevant actors in recruitment, and clarity of mandate of authorities.</li> </ul>
<b>Materials</b>	<ul style="list-style-type: none"> <li>- Written up assignments per group</li> <li>- Sheets of note-paper</li> <li>- Flipcharts</li> <li>- Markers</li> </ul>
<b>Time</b>	<p><b>45-50 minutes in total</b></p> <ul style="list-style-type: none"> <li>- 2 minutes to introduce the session and explain the assignment</li> <li>- 15-20 minutes for small group work</li> <li>- 15 minutes to consolidate group work and prepare for plenary presentation</li> <li>- 10 minutes for plenary review</li> <li>- 3 minutes for wrap up</li> </ul>

<b>Training activity 2</b>	
<b>Mapping of key elements of a monitoring protocol</b>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>- Recognize the potential effectiveness of labour inspectors with regards to monitoring for fair recruitment</li> <li>- Identify essential operational modalities for successful monitoring for fair recruitment at both origin and destination</li> </ul>

<p><b>Instructions for the trainer</b></p>	<p>Divide participants into 3 groups (1 group dealing with PRAs in countries of origin; 1 group dealing with PRAs in countries of destination; 1 group dealing with workplace inspection at destination). Note: Possibly add a 4<sup>th</sup> group on labour attachées from countries of origin</p> <p>Each group to take 25-30 minutes to discuss and map out or list:</p> <ul style="list-style-type: none"> <li>- how they go about targeting abusers in recruitment of migrant workers, and based on what information sources</li> <li>- the ultimate combination of necessary skills per monitoring team to best spot recruitment abuse</li> <li>- standard operating procedures for inspection (including attention to timing, what to look for, methods used) and follow-up</li> <li>- What to report on and how</li> </ul> <p>In a plenary review, a volunteer from each group presents group results while others listen and possibly complement.</p> <p>The facilitator then wraps up the session by drawing out commonalities between the various groups and explores potential for linkages / collaboration.</p>
<p><b>Tips</b></p>	<ul style="list-style-type: none"> <li>- Ensure each group is gender diverse and is set up differently compared to the groups in training activity 1.</li> <li>- Encourage active participation of all members in the group</li> <li>- Provide each group with the assignment printed on paper</li> <li>- Encourage all to be as detailed as possible in coming up with responses</li> <li>- Encourage reporters to be as concise as possible in listing the essence on a piece of paper / flipchart</li> <li>- In the plenary wrap-up be sure to refer to the importance of (a) targeting those places where recruitment abuse is most likely especially where resources are finite; (b) spelled out recruitment related offences; (c) appropriate remedial action (including referral assistance to migrant workers where necessary); and (d) reporting in such a way as to demonstrate progress under the SDGs and FPRW (with regards to achieving fair recruitment)</li> </ul>
<p><b>Materials</b></p>	<ul style="list-style-type: none"> <li>- Written up assignments per group</li> <li>- Sheets of note-paper</li> </ul>

	<ul style="list-style-type: none"> <li>- Flipcharts</li> <li>- Markers</li> </ul>
<b>Time</b>	<p><b>45-50 minutes in total</b></p> <p>2 minutes to introduce the session and explain the assignment</p> <p>25-30 minutes for group work</p> <p>15 minutes for plenary review</p> <p>3 minutes for wrap up</p>

Training activity 3	
<b>Brainstorming on cross-border collaboration in monitoring</b>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>- Recognize the complementary roles of monitoring for fair recruitment at origin and destination.</li> <li>- Appreciate the potential of collaboration for effective cross-border monitoring for fair recruitment.</li> </ul>
<b>Instructions for the trainer</b>	<p>Divide participants in 3 groups, making sure that each group includes participants from both countries of origin and destination.</p> <p>Each group to imagine they are advising the government on the monitoring component of a Memorandum of Understanding for recruitment of migrant workers in a particular corridor.</p> <p>Each group to take 25-30 minutes to discuss key elements of a cross-border monitoring mechanism for fair recruitment, assuming PRAs are active in the corridor. Group discussions should result in a listing per group of:</p> <ul style="list-style-type: none"> <li>- what recruitment related abuses to monitor</li> <li>- key actors to be involved at origin and destination</li> <li>- how to go about monitoring for fair recruitment (i.e. which of the above mentioned actors does what?)</li> <li>- what information is shared between countries of origin and destination</li> <li>- modalities to review/oversee the quality of the monitoring for fair recruitment</li> </ul> <p>Once group discussions are completed, the most advanced group is asked to present in plenary. Other groups are invited to listen and complement with addition points only from their</p>

	<p>group works. Altogether this should take about 10-15 minutes.</p> <p>The facilitator then wraps up the session by drawing out the main elements of modalities for cross-border collaboration to spot abusive recruitment, and monitor for fair recruitment of migrant workers</p>
<b>Tips</b>	<ul style="list-style-type: none"> <li>- Ensure that the groups are different in composition from previous group works</li> <li>- Encourage active participation of all members in the group</li> <li>- Provide each group with the assignment printed on paper</li> <li>- Encourage all to be as detailed as possible in coming up with responses</li> <li>- Encourage reporters to be as concise as possible in listing the essence on a piece of paper / flipchart</li> <li>- In the plenary wrap-up, be sure to underline the importance of (a) mutually agreed standard contracts; (b) agreement on what constitutes recruitment abuse; (c) transparency with regards to registration/licensing of recruiters and employers; (d) capitalizing on information technology to document recruitment transparently for effective monitoring.</li> </ul>
<b>Materials</b>	<ul style="list-style-type: none"> <li>- Written up assignments per group</li> <li>- Sheets of note-paper</li> <li>- Flipcharts</li> <li>- Markers</li> </ul>
<b>Time</b>	<p><b>40-50 minutes in total</b></p> <ul style="list-style-type: none"> <li>- 2 minutes to introduce the session and explain the assignment</li> <li>- 25-30 minutes for small group work</li> <li>- 10-15 minutes for plenary review and discussion</li> <li>- 3 minutes for wrap up</li> </ul>



## RESOURCES

Andrees, B., Nasri, A., Swiniarski, P., *'Regulating labour recruitment to prevent human trafficking and to foster fair migration; Models, challenges and opportunities'*, 2015 (ILO)

European Union, European Platform tackling undeclared work  
At: <https://ec.europa.eu/social/main.jsp?catId=1322&langId=en>

European Labour Authority, Concerted and joint inspections  
At: <https://www.ela.europa.eu/en/concerted-and-joint-inspections>

Gordon, J., *Global labour recruitment in a supply chain context*, 2015 (ILO)

ILO, *Conducting labour inspections on construction: A guide for labour inspectors*, 2017

ILO, *Guidelines on general principles of labour inspection*, 2022.

ILO, *Labour inspection in Europe: Undeclared work, migration, trafficking*, 2010

ILO, *Monitoring and enforcement of recruitment regulations, Training Modules 1-5*, 2015?

Jones K., *Recruitment monitoring & migrant welfare assistance; What works?*, 2015, (IOM)

OSCE, IOM, ILO, *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination*, 2006  
At: <https://www.osce.org/eea/19242>