



# ► Promising practices for fair recruitment

April 2021

## Nepal – Bilateral labour agreements include provisions related to fair recruitment

### Key points

- Model Bilateral Labour Agreements (BLAs) are aligned to ILO GPOG following tripartite consultation
- BLA is complemented by standard employment contracts for general workers and domestic workers
- Freedom to change employers (conditional)
- Access to health care benefits and adequate food and housing

### Focus

**FRI pillar:** Improving laws, policies and enforcement

**Sectors:** All

**Countries:** Nepal, Jordan, Malaysia, Mauritius, UA

**Responsible organizations:** Ministry of Labour, Employment and Social Security (MoLESS)

## Description of the practice

The ILO, through the Integrated Programme on Fair Recruitment and the Work in Freedom project, provided technical support to the Government of Nepal (GoN) to draft the bilateral agreement (BLA) with Jordan in line with ILO General Principles and Operational Guidelines for Fair Recruitment (GPOG). The agreement was signed in 2017 following tripartite discussion. It includes sections on key responsibilities of both the parties, monitoring through a joint working committee, and a standard employment contract (one for general workers; and another for domestic workers). The agreement with Jordan served as a model for bilateral agreements that were later negotiated with Malaysia, Mauritius and the United Arab Emirates (UAE). These BLAs were among the first in Asia to be aligned to the ILO GPOG.

Some of the objectives highlighted in these agreements are to:

- Establish a framework for recruitment, employment and repatriation of Nepali migrant workers abroad and regulate these processes in accordance with the principles of transparency, fair recruitment and mutual benefits;
- Control and regulate fees and costs related to the recruitment and employment of migrant workers. Formalize costs related to recruitment intermediation and employment of migrant workers;
- Cooperate to address matters related to trafficking in persons and forced labour;



Kathmandu - Migration Resource Center, December, 2016. © Marcel Crozet, ILO

- Establish mechanism to review and take decisions on issues in relation to rights and welfare of migrant workers and concerns of employers;
- Facilitate cooperation and exchange of information on best practices on labour migration management for mutual benefits;
- Promote international labour standards of rights at work, encourage decent work opportunities, enhance social protection and strengthen social dialogue on work-related issues (ref. agreement with Jordan).

## Proof of impact/progress

Since the signing of the various agreements up to 15 July 2020, the following numbers of workers have been recruited from Nepal under a fair recruitment arrangement: 6,381 (to Jordan); 59,714 (to Malaysia); 81 (to Mauritius) and 93,424 (to UAE).

While these agreements offer normative guidance, their impact could be more pronounced if meetings of the joint monitoring committee had taken place regularly. Studies on the effectiveness of the BLAs could help shed further light on the extent of impact.

## Other promising features

### Potential for replication or extension

The BLA that Nepal negotiated with Jordan served as a model for similar agreements with Malaysia, amongst others countries. Bangladesh followed Nepal in attempting to negotiate a better recruitment and employment framework for its workers in Malaysia.

Some key provisions included in the model agreement are:

- Freedom to change employers (conditional);
- Fair recruitment - costs related to recruitment of workers to be borne by employers and the protection of workers against unfair practices as well human rights abuses such as harassment, abuse, forced labour and exploitation;
- Provisions for access to dispute resolution mechanism;
- Freedom of movement (prohibition of withholding of passport) :
- Access to health care benefits and adequate food and housing;
- Standard employment contract to promote transparency;
- Equality of treatment.



Kathmandu - Migration Resource Center, December, 2016. © Marcel Crozet, ILO

## Relevance

With over 4 million labour permits issued in the last decade and the volume of remittances reaching 8.79 billion in fiscal year 2018/2019, accounting for 28 per cent of GDP for that year, labour migration is one of the key features of the Nepali economy. Sound bilateral labour agreements and standard employment contracts are considered key instruments to Nepal to ensure protection of migrant workers in countries of destination.

## Resources

[Ministry of Labour, Employment and Social Security. General Agreement in the Field of Manpower Between The Government of the Hashemite Kingdom of Jordan and the Government of Nepal.](#)

[Memorandum of Understanding \(MoU\) between Government of Nepal and Government of United Arab Emirates in the Recruitment, Employment and Repatriation of Workers.](#)

[Memorandum of Understanding \(MoU\) between Government of Nepal and Government of Malaysia in the Recruitment, Employment and Repatriation of Workers.](#)

[Memorandum of Understanding \(MoU\) between Government of Nepal and Government of the Republic of Mauritius in the Recruitment, Employment and Repatriation of Workers.](#)

[Memorandum of Understanding \(MoU\) between Government of Nepal and Government of the Republic of Mauritius in the Recruitment, Employment and Repatriation of Workers.](#)

[ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs \(GPOG\).](#)

### Five years of the Fair Recruitment Initiative

- ▶ This promising practice is part of a series, and results from a stocktaking exercise undertaken five years after the launch of the Fair Recruitment Initiative (FRI).
- ▶ The FRI aims to ensure that recruitment practices nationally and across borders are grounded in labour standards, developed through social dialogue, ensure gender equality. Specifically, they:
  1. Are transparent and effectively regulated, monitored, and enforced;
  2. Protect all workers' rights, including fundamental principles and rights at work (FPRW), and prevent human trafficking and forced labour; and
  3. Efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

### Contact details

International Labour Organization  
Route des Morillons 4  
CH-1211 Geneva 22  
Switzerland

Conditions of Work and Equality  
Department

E: [fairrecruitmentinitiative@ilo.org](mailto:fairrecruitmentinitiative@ilo.org)