



► Promising practices for fair recruitment

April 2021

Mexico - Fair recruitment practice by recruitment agency adapted to COVID-19

Key points

- Fair recruitment agency recruits mostly indigenous workers and its recruitment practices are sensitive to ethnic, linguistic and gender diversity
- The quality of the work of the recruitment agency is monitored through an independent third-party, both in communities of origin and destination, and a worker's survey
- The agency's fair recruitment policy was adjusted to address COVID-19 concerns
- The fair recruitment model has generated demand from employers for fairly recruited workers, and has resulted in requests for visa renewals by the agency being prioritized by the US authorities

Focus

FRI pillar: Promoting fair business practices

Sector: Agriculture

Countries: Mexico, US

Responsible organizations: CIERTO Global (recruitment agency)

Description of the practice

CIERTO's recruitment policy is aligned to ILO's General Principles and Operational Guidelines for Fair Recruitment (GPOG) and puts emphasis on: a) promotion of employer paid recruitment; b) a shared responsibility approach in the labour supply chain to ensure adequate protection of migrant workers; c) strengthening communities of origin's knowledge on fair recruitment by developing third-party independent, human rights based monitoring of recruitment within communities of origin. They also train workers on how compliance mechanisms work with their employer, assist them

in filing a complaint if necessary, and intervene only when a complaint does not receive a timely resolution. A third-party independent monitoring actor supervises CIERTO's work in communities of origin (mostly so that no recruitment fees are charged). They also visit employers at destination to ensure that CIERTO's description of workplace conditions is accurate, and they conduct worker's surveys upon return to document any potential abuse either by the recruiter (CIERTO) or by the employer.

At the start of the COVID-19 pandemic, when all mobility restrictions between Mexico and the US came into place, the US government was nevertheless allowing migration of temporary workers to the US agricultural sector (essential sector/H2A visa) and even increased the number of visas available. In this context, CIERTO adapted its existing fair recruitment practices immediately to ensure the health and safety of all migrant workers. To protect workers' income during the pandemic CIERTO made sure all workers recruited by them have guaranteed health coverage in country of destination and origin (at the time of return). This includes paid sick leave days in case of COVID-19 for the duration of their contract in the US, and free COVID-19 testing of all workers if one worker presented symptoms. OSH standards regarding COVID-19 prevention were introduced at all stages of the recruitment process, and agricultural workers have been listed as a priority population to receive the vaccine (in 2021). To facilitate arrangements and negotiations with all their partners and suppliers in the recruitment process (including pre-departure, during stay in the US and upon return) CIERTO created mixed commissions overseeing OSH and fair recruitment practices for every ranch they work with, along with an assistance hotline. Regular COVID-19 testing for temporary workers returning from the US was provided by local government at community of origin as a result of CIERTO's direct negotiation with local municipalities.

Proof of impact/progress

During 2020, CIERTO recruited 1,614 workers under the fair recruitment and OSH modalities described above (which is an increase on the 1,600 workers they recruited in 2019, despite COVID-19). These workers do not have any debt as a result of their recruitment and none of them bear the costs of migration. In addition, they are safe from practices such as retention of documents, non-payment of salary, contract substitution, deceitful and fraudulent job offers, among others. None of the workers recruited in 2020 got COVID-19, ensuring a COVID-19 free completion of the seasonal work to the benefit of workers and employers. Communities of origin are being protected upon return of workers, thus preventing saturation of local health systems and the spread of COVID-19. CIERTO has seen an increase in the number of employers that are requesting their services as their practices guarantee employers can keep operating safely, while US consulates in Mexico are prioritizing CIERTO's visa renewals requests given that they trust CIERTO follows US's sanitary measures and requirements.



Migrants cross at a Guatemala-Mexico border. © ILO

Other promising features

Non-discrimination / inclusion of hard to reach and/or most vulnerable migrants

This practice is focused on temporary migrant workers in an essential sector (agriculture). CIERTO recruits mostly indigenous workers and its recruitment practices are sensitive to ethnic, linguistic and gender diversity.

Potential for replication or extension

This practice sets an example for other recruitment agencies in the Mexico-US corridor, very few of which currently apply fair recruitment procedures on the basis of the flawed notion that fair recruitment is not profitable. The creation of a Mixed Commission for recruitment purposes with engagement of all actors in the labour supply chain as well as the successful application of OSH standards during the recruitment process is worth replication. Employers show interest in working with recruiters that guarantee arrival of healthy (and qualified) workers, and there is a growing pressure from retailers to have ranches work with CIERTO amid the pandemic.



Travellers queue and maintain social distancing at an airport. © ILO

Resources

[CIERTO operational protocol](#). (in Spanish).

[CIERTO Good practices for a fair recruitment](#).

[Organización Internacional del Trabajo \(OIT\). Cómo gestionar el lugar de trabajo durante la crisis del COVID-19: una guía para los empleadores](#).

[Organización Internacional del Trabajo \(OIT\). Frente a la pandemia: garantizar la seguridad y salud en el trabajo. 2020, Primera edición](#).

[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.

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