

## **Terms of References for an EXCOL contract:**

### **Support the Revision of Nepal Association of Foreign Employment Agencies (NAFEA)'s Code of Conduct**

#### **1. Background and objective of assignment**

In today's globalized economy, workers are increasingly looking for job opportunities beyond their home country in search of decent work and better livelihoods. There are currently an estimated 258 million international migrants in the world, out of which 48.4 % are women and 740 internal migrants in the world. In this context, the movement of migrant workers can take many forms and patterns and affect men and women differently. While movement of labour is an important aspect of globalization and provides alternative livelihood opportunities to many people; it also poses new challenges for governments and policy makers in managing safe labour migratory flows both in the countries of origin and destination.

Recruitment of migrant workers can take many forms and patterns and affect men and women differently. The intermediation landscape today is complex, owing to the fragmented global governance system of labour migration and large number of actors involved: from private employment agencies to the multiple levels of sub-agents, to whom work is passed by the main agencies. Public and private employment agencies, when appropriately regulated, play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers. However, concerns have been raised about abusive practices from unscrupulous recruiters and employers worldwide including charging of recruitment fees; deception about the nature of the job and living and working conditions; retention of passports; deposits and illegal wage deductions threats if workers want to leave their employers and in some instances physical and sexual violence.

The intermediation landscape today is complex, owing to the fragmented global governance system of labour migration and large number of actors involved: from private employment agencies to the multiple levels of sub-agents, to whom work is passed by the main agencies. Public and private recruitment agencies (PRA), when appropriately regulated, play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers. However, concerns have been raised about abusive practices from unscrupulous recruiters and employers worldwide including charging of recruitment fees; deception about the nature of the job and living and working conditions; retention of passports; deposits and illegal wage deductions threats if workers want to leave their employers and in some instances physical and sexual violence.

In Nepal, official data on the labour permits issued by the Government indicates that using the services of a PRA has been the most prevalent approach among Nepali migrants when seeking foreign employment. There are over 847 PRAs licensed to operate by the Government of Nepal. All these organization under the larger umbrella of Nepal Association of Foreign Employment Agencies (NAFEA).

The International Labour Organization (ILO) has been promoting and implementing fair recruitment interventions through multiple projects under its Fair Recruitment Initiative<sup>1</sup> since 2014. The Fair Recruitment Initiative intends to prevent human trafficking and forced labour, protect the rights of workers from abusive and

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<sup>1</sup> [www.ilo.org/fairrecruitment](http://www.ilo.org/fairrecruitment)

fraudulent recruitment and placement processes, and reduce the cost of labour migration and enhance development outcomes for migrant workers and their families as well as for countries of origin and destination. The Fair Recruitment initiative works in a multi-stakeholder partnership with governments, trade unions, employers' organisations, private sector institutions including recruitment agencies, civil society, UN Agencies and the media to:

1. Enhance global knowledge on national and international recruitment practices;
2. Improve laws, policies and enforcement to promote fair recruitment;
3. Promote fair business practices; and,
4. Empower and protect workers.

As part of these endeavours the ILO has developed General Principles and Operational Guidelines for Fair Recruitment. Operationalising these key elements along the different stages of the recruitment process requires the awareness, endorsement and support of stakeholders at multiple levels: employers and workers and their organizations, recruitment agencies, private intermediaries, regulatory bodies (labour migration services, and inspectors), policy-makers, training institutions, financial services providers, civil society.

With the growing interest and demand to adopt fair recruitment, NAFEA as an umbrella organization is now seeking to work towards holding their members more accountable. As a first step, it intends to revise its code of conduct NAFEA code of conduct to align it with international labour standards related to fair, ethical and responsible recruitment. For this, NAFEA has set up a 7-persons committee. To facilitate the process and to align it with international labour standards, NAFEA is seeking the support of the ILO. The ILO is looking to support this process through the FAIR project.

## **2. Scope of work and key deliverables**

The consultant will be required to work closely with the committee set up by NAFEA to complete the following task:

### **a. Review code of conduct and conduct gap assessment:**

- i. Review pre-existing code of conducts (CoC) of recruitment association across the globe, particularly the South Asian and South-East Asian countries, to identify best practices. The review will include other CoCs developed around the world to identify good practices (for example check: [https://wecglobal.org/uploads/2019/07/WEC\\_Compndium-Practices-Ethical-Recruitment.pdf](https://wecglobal.org/uploads/2019/07/WEC_Compndium-Practices-Ethical-Recruitment.pdf)) and also include the CoC developed under FAIR (phase 1) by the associations of PRAs in the Philippines and Hong-Kong. (To be made available to the consultant on selection)
- ii. Conduct gap assessment of the current NAFEA code of conduct against international standards including the General Principles and Operational Guidelines on Fair Recruitment and other standards promoting fair, ethical and responsible recruitment.
- iii. Based on these assessment prepare a presentation for the NAFEA committee and conduct a working meeting to identify needs of the NAFEA.

### **b. Draft a code of conduct:**

- i. Work closely with NAFEA committee to produce a draft of code of conduct. This CoC should ideally consist of a set of Principles and commitments under each principle aimed at guiding implementation of the principles.
- ii. Draw recommendations for NAFEA to develop strategy for implementation.
- iii. Hold at least 1 working meeting with NAFEA committee to finalize the draft before wider consultation.

### **c. Facilitate validation of Code of Conduct through series of consultations:**

- i. Facilitate multi-stakeholder consultation to review the draft code of conduct and define a set of measures by which NAFEA can promote adherence and / or monitor compliance (options for consideration could include client-based feedback, through surveys tracking both workers' and employers' experience).
- ii. Validate the final version of the CoC with NAFEA members.

### 3. Time frame

The duration of the assignment is a total of 15 days<sup>2</sup> spread across two months conducted with the following time frame:

	<b>Date</b>	<b>No. of Days</b>
Planning meeting with ILO	05 May 2021	0.5 days
Meeting with NAFEA team to identify needs	06 May 2021	0.5 days
Assessment of pre-existing code of conduct and drafting of best practices	14 May 2021	3 days
Gap Assessment of NAFEA code of conduct against international standard	14 May 2021	2 days
Presentation of best practices and gap assessment with NAFEA committee	19 May 2021	1 day
Drafting of code of conduct and operational guidelines	30 May 2021	4 days
Working meeting with NAFEA committee to present and refine the draft	11 June 2021	1 day
Facilitation of multi-stakeholder consultation to received feedback	18 June 2021	1 day
Submission of Final Draft	25 June 2021	2 days
<b>Total</b>		<b>15 days</b>

### 4. Eligibility and Competencies of the applicant/s

#### a. Competencies:

- i. Minimum of university degree (Bachelor's or equivalent) in social science, law, economics, or related areas
- ii. Qualitative research and analytical skills
- iii. Experience in migration-related policy, technical assistance or research, ideally in relation to BLAs, and solid knowledge of labour rights and employment issues
- iv. Familiar with field of labour migration from Nepal, and the recruitment landscape in particular
- v. Sound knowledge of the concept of fair/ethical recruitment
- vi. Excellent command and knowledge of Nepali and English

#### b. Eligibility:

- i. Consultants contracted by the ILO for another task in the duration of the study are not eligible to apply
- ii. If the applicant is engaged in full-time employment, the applicant will be required to present a no-objection certificate from their employers upon selection.

### 5. Budget and terms of payment

Applicants are requested to send an all-inclusive fee per day along with their CV highlighting relevant experience ILO Country Office in Dhobighat, Lalitpur or e-mail to [kathmandu@ilo.org](mailto:kathmandu@ilo.org) no later than 12:00hrs, 23 April 2021. Please indicate "FAIR\_Code of Conduct" in your email subject line.

100% of the payment will be made upon submission of the translated document as specified above, to the satisfaction of the ILO.

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<sup>2</sup> Subject to review

