



International  
Labour  
Organization



*Nepal stakeholder presentation*

# What works and doesn't in reducing vulnerability to forced labour and human trafficking of women migrant workers?



*Lessons learned by the ILO's Work in Freedom Programme (2013-2023)*

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# Outline

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1. **Introduction. Methodology** behind the documentation of these findings.
2. **Part I.** What works and doesn't in addressing unfree labour in **destination countries** of migrant women workers?
3. **Part II.** What works and doesn't in implementing anti-trafficking in women programmes in regions or **countries of origin** of migrant women?
4. **Part III.** What works and doesn't in promoting fair **recruitment** of migrant women workers?
5. **Way forward**







# Introduction



# What is the Work in Freedom Programme?

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1. WIF is a **ten-year development cooperation programme** funded by UK Aid.
2. The overall aim of the programme was to **reduce women's vulnerability to trafficking and forced labour** throughout migration pathways to and in **domestic and garment work**.
3. The programme adopted an integrated and targeted approach in developing practices and multisectoral policy measures.
4. WIF was implemented in South Asian countries and areas of origin in **Bangladesh, India and Nepal**, and in selected destination States (**India, Jordan, Lebanon and some Gulf countries**).
5. The **ILO cooperated with migrant women workers, trade unions, civil society organizations, businesses and regulators**.
6. Interventions included: (1) outreach to migrant women in areas where they came from; (2) worker empowerment interventions and employer advocacy in destination countries; (3) improving practices related to recruitment and working conditions; (4) law and policy work; and (5) research on labour migration trajectories.

# Methodology

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1. Adaptive learning was built in the design of the programme. Lessons learned were documented starting in 2016 and published from 2017 onwards.
2. This presentation is based on three published Lessons Learned documents:
  - i. [Outreach to migrant workers in areas of origin](#)
  - ii. [Recruitment of migrant workers](#)
  - iii. [Responses to the unfree labour of migrant women workers in destination areas](#).
3. We review the historical focus of related policies and the nature of current conventional and non-conventional interventions.
4. Each of these lessons is connected to specific interventions that were designed as a part of an overall framework of interventions. Therefore, none of these lessons should be read in isolation from the others.

## Format of Lessons Learned

### Title of main finding

Description of main finding

### How the finding was identified?

Description of how the finding was identified based on practice or research. Links to references

### Practical lessons for programming

Implications of the finding on specific areas of conventional programming



## Part I

# Destination cities and countries

# Historical context of policies to address unfree labour

Responses to unfree work have varied throughout history depending on how work was defined and how struggles shaped the rules and norms of labour. Different themes have dominated concerns on unfree labour during different periods depending on the nature of work. Each one of these themes implied a different way of seeing the world, a different history of understanding and very different framework of addressing unfree labour. Here are some examples:

1. Extinguishing debts related to bonded labour in antiquity.
2. Abolishing slavery (1926 Slavery Convention).
3. Eradicating forced labour (e.g. ILO 1929 and 157 Convention, 2014 Protocol).
4. Ending human trafficking (2000 Palermo Protocol) modern slavery (e.g. 2030 Agenda for SDGs).

However, many forms of unfree labour remain to be addressed such as women's unpaid work, unrecognized informal work, work involving poverty wages and others.

# What are conventional policies to address unfree labour in countries of destination?

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- 1. Responses based on an anti-trafficking in person framework.** In accordance with the Palermo Protocol, responses to human trafficking focus on *prevention, prosecution, protection* and *partnerships* activities.
- 2. Responses based on a forced labour framework** focus on addressing coercion. The Protocol of 2014 to the Forced Labour Convention and the Forced Labour Supplementary Measures Recommendation, 2014 (No. 203) highlights the series of measures such as those that tackle root causes, several protection measures and remedies, specific action against trafficking in persons for forced labour, other effective measures, implementation, consultation and international cooperation.



# What were some other practices tested by WIF to address unfree labour in countries of destination?

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- 1. Adaptive learning on successes and failures in responding to forced labour.** Adaptive learning interventions in these fields seek to document what has worked or not and rethink better ways to frame, conceptualize and design interventions that yield better results.
- 2. Identifying and addressing root causes** and factors that heighten the risks of forced labour. While Article 2 (f) of Protocol No. 29 highlights the importance of addressing the root causes and factors that heighten the risks of forced or compulsory labour, very few initiatives have been undertaken to identify, let alone address them.
- 3. Strengthening the support base for marginalized workers at risk of forced labour.** This type of intervention consists of creating a support base of constituents, civil society organizations and academic institutions that can magnify the voices of marginalized workers to prevent further abuses.

Part I.

Cities and countries  
of destination

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Lessons learned on  
the relationships  
between job markets  
and forced labour

Lessons 1 - 6



Part I.

Cities and  
countries of  
destination

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Lessons learned on  
the relationships  
between job  
markets and forced  
labour

Lesson 1

**The scarcity of decent jobs and the absence of social protections are factors of market coercion for job seekers, and this affects their vulnerability to forced labour. Combined, they are important aggregate indicators of forced labour risks.**



Part I.

Cities and  
countries of  
destination

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Lessons learned on  
the relationships  
between job  
markets and forced  
labour

Lesson 3

**In the context of migration, anti-trafficking and forced labour programmes should not delink the analysis of labour abuses that take place in migrant destination areas from employment options and decent work gaps in areas of origin.**



Part I.

Cities and  
countries of  
destination

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Lessons learned on  
shifting power  
dynamics in labour  
relationships

Lesson 7

**Recognizing how different forms of discrimination are perpetrated against migrant women workers is critical for better anti-trafficking and forced labour interventions. Such discrimination is a root factor of forced labour.**



Part I.

Cities and  
countries of  
destination

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Lessons learned on  
shifting power  
dynamics in labour  
relationships

Lesson 8

**While international cooperation to leverage commitments to eradicate forced labour is important, practical cooperation in locations where workers' voices are marginalized is lacking and yet crucial in the prevention of forced labour.**

In areas and sectors where forced labour is common, a worker raising questions about labour issues can lead to her immediate eviction from the workforce. The asymmetrical nature of labour relations is such that workers have few or no safe avenues to voice complaints or issues of concern. Cooperation to establish practical and effective remedy mechanisms are important.

## Part I.

### Cities and countries of destination

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### Lessons learned on shifting power dynamics in labour relationships

## Lesson 11

**Alone, neither NGOs, trade unions nor women's rights groups can expect to be successful in empowering migrant women workers.**

To address the interconnected challenges of patriarchy, mobility and work, communication, readiness to learn and cooperation between multiple networks of civil advocacy groups (including worker trade unions, migrant rights organizations, women's rights organizations and other relevant rights-based groups) is necessary so that they all converge in a common policy advocacy discourse tailored to multiple geographical contexts.

## Part I.

### Cities and countries of destination

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### Lessons learned on shifting power dynamics in labour relationships

## Lesson 14

**Social dialogue between employers and migrant workers in a context of domination can be disadvantageous for migrant workers and leads, at best, to concession bargaining.**

Negotiating from a position of weakness is never advisable as it can result in migrant workers surrendering their rights to fair pay and working conditions in exchange for some form of job security, partial compensation or exit from coercive labour relationships.



Part I.

Cities and  
countries of  
destination

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Lessons learned on  
shifting power  
dynamics in labour  
relationships

Lesson 16

**Gender-based violence and harassment is closely connected with the gendered and social structures of employment hierarchies.**

The gender and social structures of employment hierarchies play an important role in incentivizing or disincentivizing gender-based violence and harassment. There are usually important class and or ethnic differences between workers, their direct supervisors and others in the workspace. These differences tend to be inherently abused.

Part I.

Cities and  
countries of  
destination

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Lessons learned on  
shifting power  
dynamics in labour  
relationships

Lesson 19

**Without freedom of association and collective bargaining for migrant workers, reducing their vulnerability to forced labour is unsustainable in the long run.**

Organizing migrant workers has been more effective where regulatory and physical spaces have enabled workers to connect, support each other, defend their collective rights and network with wider social movements to uphold their rights. In the absence of regulatory space, ad-hoc measures creating physical safe spaces (such as workers' centres) or regulatory space (such as measures enabling freedom of association) are necessary, albeit subject and vulnerable to strong counter-pressure and political vicissitudes.

Part I.

Cities and  
countries of  
destination

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Lessons learned on  
shifting power  
dynamics in labour  
relationships

Lesson 20

**Using trade union membership numbers as the sole indicator of effective worker organizing can be misleading and harmful.**

Donors, governments, international organizations and trade unions sometimes set ambitious quantitative targets for worker memberships in unions to justify their institutional legitimacy. While keeping track of membership in a union is important, it is not necessarily an indicator of effective organizing. Qualitative indicators are equally important in assessing the effectiveness of worker organizing.





Part I.

Cities and  
countries of  
destination

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Lessons learned in  
the framing of  
labour unfreedoms  
in policy making

Lesson 30

**Common anti-trafficking policy frameworks can sometimes concurrently undermine hard-won labour and other human rights, such as the right to work and the freedom of movement or even efforts to promote decent work.**

Part I.

Cities and  
countries of  
destination

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Lessons learned in  
the framing of  
labour unfreedoms  
in policy making

Lesson 34

**While migration may be profitable for employers who hire migrant workers because they are more affordable and amenable than local workers, such practices can generate labour market loopholes that erode decent work practices and the employment prospects of local workers.**

Migrant workers should not be blamed for taking the jobs of local workers. It is the practice of hiring migrant workers into substandard working conditions that is to blame.

Part I.

Cities and  
countries of  
destination

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Lessons learned in  
the framing of  
labour unfreedoms  
in policy making

Lesson 35

**Migration bans increase vulnerability to  
human trafficking.**

Part I.

Cities and  
countries of  
destination

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Lessons learned in  
the framing of  
labour unfreedoms  
in policy making

Lesson 36

**The notion that migrant workers can be easily reintegrated into their home countries through ad-hoc crisis-related reintegration programmes runs against the labour market realities that prompted them to migrate in the first place.**

In the case of women migrants, reintegration can even mean a process of disempowerment.



Part I.

Cities and countries  
of destination

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Lessons learned on  
understanding unfree  
labour

Lessons 50 - 58



Part I.

Cities and  
countries of  
destination

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Lessons learned on  
understanding  
unfree labour

Lesson 50

**In the context of the scarcity of decent work, most labour relationships – however abusive they may be – are consensual even if they are unfree. In such contexts, forced labour frameworks, including forced labour surveys, are not always helpful in identifying abusive labour relationships.**

Part I.

Cities and  
countries of  
destination

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Lessons learned on  
understanding  
unfree labour

Lesson 58

**The assumptions behind the policies and programmes meant to respond to unfree labour in areas of destination for migrant women workers need to be reviewed.**

Policies tend to be excessively ambitious and be underpinned by incorrect assumptions. Not only do they overestimate the impact of such programming, but they also underestimate the impact of unemployment and underemployment on unfree labour and the asymmetry of the power that frames migrant worker and employer relationships, including the legal architecture of labour hierarchies and other discriminatory laws and policies affecting workers.

## Assumptions of programmes to address unfree labour and better practices (Lesson 58)

Characteristics of conventional practices	Characteristics of better practices
<b><i>Outreach to workers</i></b>	
<ul style="list-style-type: none"> <li>• Assistance to victims</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of services to all workers based on and tailored to their demands</li> </ul>
<ul style="list-style-type: none"> <li>• Support to migrant workers exclusively through unions, specialized NGOs</li> </ul>	<ul style="list-style-type: none"> <li>• Support freedom of association and self-organizing of workers including migrant workers through workers' centres in cooperation with different organisations including unions and NGOs</li> </ul>
<ul style="list-style-type: none"> <li>• Establishment of worker committees</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring democratic means of migrant worker representation in all spaces meant to collect constituents' views</li> </ul>
<ul style="list-style-type: none"> <li>• Social dialogue to address workers' grievances in an ad-hoc manner</li> </ul>	<ul style="list-style-type: none"> <li>• Social dialogue when workers including migrant workers are in a position to negotiate without a calculated risk of facing retaliation</li> </ul>
<b><i>Outreach to employers</i></b>	
<ul style="list-style-type: none"> <li>• Promoting codes of conduct and ethical business practices</li> </ul>	<ul style="list-style-type: none"> <li>• Advocacy with employers to address recurrent worker grievances</li> </ul>
<ul style="list-style-type: none"> <li>• Supporting compliance auditing through third parties</li> </ul>	<ul style="list-style-type: none"> <li>• Fully involving workers feedback in both compliance audits and labour inspection processes</li> </ul>



## Assumptions of programmes to address unfree labour and better practices (Lesson 58)

Characteristics of conventional practices	Characteristics of better practices
<b><i>Policy advocacy</i></b>	
<ul style="list-style-type: none"> <li>• Framing policy responses through a criminal justice angle focusing on anti-trafficking prevention, prosecution and protection, as well as modern slavery focusing on extreme cases of abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Framing policy responses through labour rights approaches tailored to respective occupational sectors, review of migrant worker policies including sponsorship systems and careful monitoring of employment and unemployment dynamics.</li> </ul>
<ul style="list-style-type: none"> <li>• Workers' consent used as a key framework to address forced labour</li> </ul>	<ul style="list-style-type: none"> <li>• Unfree labour a more enabling framework to analyse vulnerability to forced labour</li> </ul>
<ul style="list-style-type: none"> <li>• Technical advice to Governments and constituents based on available evidence base</li> </ul>	<ul style="list-style-type: none"> <li>• Technical advice to constituents complimented by network of advocacy supported by wide array of civil groups representing workers, migrants and women</li> </ul>
<ul style="list-style-type: none"> <li>• Rallying multi-stakeholder cooperation for eradicating modern slavery, trafficking in persons and/or forced labour</li> </ul>	<ul style="list-style-type: none"> <li>• Rallying support to sustainably address common and recurrent grievances of workers and especially migrant workers</li> </ul>
<ul style="list-style-type: none"> <li>• Capacity building on victim protections for relevant parties / constituents</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity building preceded by legal guarantees enabling different labour constituents to enforce fundamental principles and rights at work</li> </ul>

## Assumptions of programmes to address unfree labour and better practices (Lesson 58)

Characteristics of conventional practices	Characteristics of better practices
<b>Research</b>	
<ul style="list-style-type: none"> <li>• Studies based on trafficking victim narratives collected through shelters and based on one time migration experiences.</li> </ul>	<ul style="list-style-type: none"> <li>• Longitudinal research focusing on labouring trajectories encompassing experience of multiple migration cycles and the broader political economy context of industrial and labour relations.</li> </ul>
<ul style="list-style-type: none"> <li>• Quantitative research methods to assess incidence of forced labour or labour violations regarding working and living conditions of domestic and garment workers.</li> </ul>	<ul style="list-style-type: none"> <li>• Qualitative ethnographic methods, feminist participatory action research, and other multidisciplinary research methods combining legal and social sciences.</li> </ul>
<ul style="list-style-type: none"> <li>• Use of forced labour indicators</li> </ul>	<ul style="list-style-type: none"> <li>• Forced labour indicators complemented by an analysis of root causes and factors of heightened forced labour including contextual factors and policy determinants</li> </ul>





Part II.

Areas and  
Countries of  
origin

# Historical context of country/ state of origin policies to protect migrant workers at destination

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- 1. Long history of bilaterally/ centrally agreed protections based on nationality or domicile**
- 2. The Labour Rights framework**
  - ILO: C97, C143, Multilateral Framework for Labour migration
  - International Convention on Rights of Migrant Workers and their Families
- 3. Trafficking in Persons framework, Article 9 of Palermo Protocol**
- 4. The Global Compact for Migration framework**



# What are conventional safe migration programmes in states and countries of origin

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- 1. Pre-departure orientation and training (PDOT) programmes.** A PDOT is undertaken in institutional settings. It is based on a curriculum and is conducted through didactic methods, seeking to transfer knowledge from an instructor to migrant women about specific women-trafficking risks, legal channels for safe migration and work, helpline contacts, language and cultural tips, and job-specific occupational skills.
- 2. Resource and facilitation centres (RFCs).** Resource and facilitations centres are usually established at the district or local block level in locations where migrants tend to converge in order to depart towards their labour destinations. They are often referred to as migrant resource centres.

**Note:** Recruitment and destination related interventions are not included here.

# What were some other practices tested and successfully implemented by WIF in areas and countries of origin?

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- 1. Pre-decision orientation sessions (PDOS)** are meant to affect the behaviors of aspiring migrant women by exposing them to information that can prepare them for migration before they migrate.
- 2. Capacity-building of social workers and local women leaders (CBSW)** consists of supporting capacity development and other measures for social workers to be able to work with aspiring migrant women.
- 3. Direct outreach by social workers to women considering employment and interaction.**
- 4. Support for trade unions** to reach out to women considering employment.



Part II.

Areas and Countries of  
origin

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Lessons learned on  
migratory trends

Lessons 1 -7



Part II.

Areas and  
Countries of  
origin

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Lessons learned  
on migratory  
trends

Lesson 2

**Migration of women depends on the specific context of patriarchy and how women's mobility, work-seeking and distress is socially appraised and mediated.**

The more women's mobility and work is restricted and socially stigmatized, the more women will simply not migrate or, if they are desperate to leave, migrate suddenly and secretly to avoid stigma. For those who have never migrated, migrating all of a sudden, can be risky even if staying back is equally undesirable.



Part II.

Areas and  
Countries of  
origin

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Lessons learned  
on migratory  
trends

Lesson 6

**The cost of “blue collar” international migration for women tends to be lower than that for men in the region.**

Generally, the cost of migration for women who migrate to low-income jobs overseas was lower than that of men. An important reason is the high demand for care work in many destination countries.

Part II.

Areas and  
Countries of  
origin

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Lessons learned  
on migratory  
trends

Lesson 7

**Migration through formal channels and/or migration to formal work does not guarantee protection from labour abuses.**

While migrating through informal channels involves risks, legal channels into formal work situations can also lead into abusive labour situations.

Part II.

Areas and Countries  
of origin

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Lessons learned on  
political economy  
considerations

Lessons 8 -10



Part II.

Areas and  
Countries of  
origin

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Lessons learned  
on political  
economy  
considerations

Lesson 8

**While public narratives claim that pre-departure policies and programmes are needed to protect migrant workers, in reality, migrant workers' interests tend to be crowded out of these institutional programmes by other competing and more powerful interests.**

This leaves little, if at all any, space for migrant workers to voice their views and learn about negotiation and organizing practices to defend their labour and human rights.



## Part II.

### Areas and Countries of origin

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### Lessons learned on political economy considerations

## Lesson 10

### **Safe migration interventions tend to be ineffective in preventing the violation of women's rights.**

While safe migration programmes can be helpful, in patriarchal contexts, the concepts of safety and protection tend to exclude women's agency. Protection measures for women tend to be designed without the leadership and participation of migrating women and their representatives. This inevitably leads to policies and practices that disempower them from the exercise of their rights (for example, restrictions on mobility based on age (under 30 not allowed) rather than empowering them.

Part II.

Areas and Countries  
of origin

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Lessons learned on  
the relationships  
between  
development actors  
and migrant women

Lessons 11 -13



## Part II.

### Areas and Countries of origin

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Lessons learned  
on the  
relationships  
between  
development  
actors and  
migrant women

### Lesson 13

**Migration and anti-trafficking programmes should be aware of the social distance that separates migrant women workers and those who decide and implement such programmes at various levels.**

The economic and social realities determining the lives of migrant women workers and those who decide and implement migration or anti-trafficking programmes tend to be very different. The role of trade unions and community based organisations is important to underline in this context.



## Part II. Areas and Countries of origin

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Lessons learned on the  
relationships between  
development actors and  
migrant women

Lessons 14 -18





## Part II.

### Areas and Countries of origin

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Lessons learned  
on the  
relationships  
between  
development  
actors and  
migrant women

Lesson 18

### **Pre-departure skilling is more effective when women worker organisations are involved.**

Institutions tend to prioritize foreign employment over other considerations. Realistic discussions on the real working and living conditions of workers or involvement of workers organizations is limited and would undermine the very incentives under which they operate.

Part II.

Areas and Countries  
of origin

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Lessons learned on  
village or  
neighbourhood-level  
outreach

Lessons 19 -24





## Part II.

### Areas and Countries of origin

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### Lessons learned on village or neighbourhood- level outreach

## Lesson 20

**Conventional safe migrations interventions tend to either prevent migration or promote it. Both can be harmful. From both a programme and policy perspective, it is important to neither stop women from migrating nor encourage them to migrate.**

Two opposing patterns tended to prevail in some programme areas of origin of migrant women. The conservative approach was represented by conventional anti-trafficking NGOs that inflated the risks of trafficking and failed to see that women needed jobs to make ends meet. The liberal approach was represented by some migrant-rights NGOs who exaggerated the benefits of migration and minimized its risks.

## Part II.

### Areas and Countries of origin

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### Lessons learned on village or neighbourhood- level outreach

## Lesson 23

**In order to better reach women who may migrate, the content of the information shared with them should not exclusively focus on migration.**

Prospective migrants are usually those who cannot access basic services in their communities. Intensive two-way communication is necessary with populations who are usually excluded or unable to access basic services in their communities. They need to be able to explain the local circumstances of why they are unable to access these services and participate in strategizing effective local solutions to overcome such barriers.



## Part II.

### Areas and Countries of origin

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Lessons learned  
on village or  
neighbourhood-  
level outreach

## Lesson 24

**The assumptions behind programmes seeking to inform or empower migrant women in areas from which they migrate should be carefully reviewed.**

The programme found that conventional interventions tend to assume that women have limited knowledge and skills and face a significant risk of human trafficking. That is often not true. E.g. does care work not require skill?

## Assumptions of programmes and better practices in areas of origin (Lesson 24)

Characteristics of conventional practices	Characteristics of better practices
<b><i>Pre-departure training and skilling programmes:</i></b>	
<ul style="list-style-type: none"> <li>• Fixed content</li> </ul>	<ul style="list-style-type: none"> <li>• Content is flexible and adapted to demand</li> </ul>
<ul style="list-style-type: none"> <li>• Compulsory</li> </ul>	<ul style="list-style-type: none"> <li>• Voluntary and need-based</li> </ul>
<ul style="list-style-type: none"> <li>• Targets all migrating women</li> </ul>	<ul style="list-style-type: none"> <li>• Preference for first-time migrant women</li> </ul>
<ul style="list-style-type: none"> <li>• Formal settings</li> </ul>	<ul style="list-style-type: none"> <li>• Informal settings</li> </ul>
<ul style="list-style-type: none"> <li>• Methods are educational and didactic</li> </ul>	<ul style="list-style-type: none"> <li>• Methods favour dialogue and communication</li> </ul>
<ul style="list-style-type: none"> <li>• Content is delivered by male non-migrant instructors</li> </ul>	<ul style="list-style-type: none"> <li>• Content delivered by experienced migrant women workers</li> </ul>
<ul style="list-style-type: none"> <li>• Government-led but managed by labour recruiters</li> </ul>	<ul style="list-style-type: none"> <li>• Government-led but implemented by women's rights groups</li> </ul>
<ul style="list-style-type: none"> <li>• Aim is to develop subservience to future employers</li> </ul>	<ul style="list-style-type: none"> <li>• Aim is to empower women</li> </ul>
<ul style="list-style-type: none"> <li>• Content focused on migration to destination area</li> </ul>	<ul style="list-style-type: none"> <li>• Content focuses on circular migration and employment</li> </ul>
<ul style="list-style-type: none"> <li>• Content focuses on labour migration rules</li> </ul>	<ul style="list-style-type: none"> <li>• Content focuses on challenging issues and negotiation skills</li> </ul>
<ul style="list-style-type: none"> <li>• Content promotes individual role models</li> </ul>	<ul style="list-style-type: none"> <li>• Content focuses on collective trends and experiences</li> </ul>
<ul style="list-style-type: none"> <li>• No practical content on working and living conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Specific content on working and living conditions</li> </ul>

## Assumptions of programmes and better practices in areas of origin (Lesson 24)

Characteristics of conventional practices	Characteristics of better practices
<b><i>Village or neighbourhood level outreach to women regarding migration:</i></b>	
<ul style="list-style-type: none"> <li>• Choice of locations influenced by political motives</li> </ul>	<ul style="list-style-type: none"> <li>• Choice of locations based on evidence of migration trends</li> </ul>
<ul style="list-style-type: none"> <li>• Content focuses on migration to destination countries</li> </ul>	<ul style="list-style-type: none"> <li>• Content sees migration as common circular trajectories</li> </ul>
<ul style="list-style-type: none"> <li>• Tacit purpose is to stop migration or promote it</li> </ul>	<ul style="list-style-type: none"> <li>• Neither stops nor promotes migration, do-no-harm policy</li> </ul>
<ul style="list-style-type: none"> <li>• Local anti-trafficking committees are a common practice among anti-trafficking groups</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence exists that local anti-trafficking committees generate vulnerabilities and it is better to dismantle them.</li> </ul>
<ul style="list-style-type: none"> <li>• Targets only those who are potential migrant women workers</li> </ul>	<ul style="list-style-type: none"> <li>• Locations chosen where women migrate in high numbers, but restrictions or requisites on women's participation are not imposed.</li> </ul>
<ul style="list-style-type: none"> <li>• Purpose to influence decision-making about migration</li> </ul>	<ul style="list-style-type: none"> <li>• Purpose to organize empowering dialogue among women about choices of paid work and mobility</li> </ul>
<ul style="list-style-type: none"> <li>• One-size-fits-all content</li> </ul>	<ul style="list-style-type: none"> <li>• Content dependant on local context and demands of specific groups</li> </ul>
<ul style="list-style-type: none"> <li>• Content mostly focuses on formal migration procedures and occasionally includes soft skills on financial literacy</li> </ul>	<ul style="list-style-type: none"> <li>• Content focuses on women's work, mobility, wellbeing, dealing with gender stigma, access to resources, soft skills, navigating the migration cycle and so on</li> </ul>
<ul style="list-style-type: none"> <li>• Voluntary peer educators</li> </ul>	<ul style="list-style-type: none"> <li>• Paid social workers, with experience, understanding and requisite skills, from the village or neighbourhood</li> </ul>
<ul style="list-style-type: none"> <li>• Content is delivered through new NGO peer-educator</li> </ul>	<ul style="list-style-type: none"> <li>• Existing social workers do community interaction (and get paid accordingly)</li> </ul>
<ul style="list-style-type: none"> <li>• Educational didactic instruction, supply-driven</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive dialogue and communication</li> </ul>
<ul style="list-style-type: none"> <li>• Presented to public as sessions about women's migration.</li> </ul>	<ul style="list-style-type: none"> <li>• Presented to public as sessions about women's livelihood and wellbeing.</li> </ul>





Part III.

Recruitment



# Historical context of policies on labour recruitment

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International labour standards have changed from **ILO's Unemployment Convention No. 2 of 1919** mandating '*a system of free public employment agencies under the control of a central authority*' to the **ILO's Private Recruitment and Employment's Convention No. 181 of 1997** formalizing the role of private recruitment agencies and finally to a system of private recruitment agencies operating according to the non-binding **General Principles and Operational Guidelines for Fair Recruitment of 2016**. Recruitment has shifted from a public dominated sphere of responsibility dealt through employment policies and regulation, to a private dominated sphere left to the market.

An important reason why public attention persists around recruitment is due to concerns about vulnerable populations such as 'migrant women'. Such concerns tend to be increasingly influenced by anti trafficking narratives which frame the issue as a criminal justice matter rather than a labour matter (WIF Glossary, June 2021).

# What are conventional programmes to improve recruitment of migrant workers?

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Conventional approaches are influenced by the **non-binding standards** and **anti-trafficking concerns**. These are some of the most common interventions:

- 1. Promotion of fair recruitment policies** to undermine unscrupulous labour recruiters and exploitative employment practices. These policies include the promotion of non-binding codes of conduct, formalisation of recruitment actors and zero-cost recruitment for workers among others.
- 2. Training on fair and ethical recruitment for labour recruiters:** Capacity-building for recruitment agencies and employers to ensure that they commit to and practice ethical standards of recruitment codified in non-binding codes of conduct.
- 3. Assessment and certification of ethical recruitment practices:** Assessing migrant recruitment practices in specific companies and providing recommendations and/or certification. These practices are sometimes complemented with rating of recruitment agencies. The assumption is that the aggregation of each improved practice will lead to better overall recruitment outcomes.

# What were some other practices tested by WIF to improve recruitment of migrant workers?

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- 1. Providing policy advice on fair recruitment as part of decent-work outcomes**
- 2. Dialogue on improving recruitment practices with intermediaries and other parties**
- 3. Pathway or sector-wide assessments of recruitment practices**
- 4. Testing of better recruitment practices**





Part III.

Recruitment

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Lessons learned  
on how supply  
and demand for  
jobs affects  
recruitment

Lesson 1

**Scarcity of decent work options on a significant scale may lead to more labour intermediation and poor recruitment outcomes.**

This means that ad-hoc efforts to improve recruitment practices along specific corridors are far from sufficient as they fail to address both the demand for and the scarcity of decent work at a significant scale.

Part III.

Recruitment

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Lessons learned  
on how supply  
and demand for  
jobs affects  
recruitment

Lesson 2

**While recruitment fees can be exploitative, faulting the labour intermediary who charges the fees is not sufficient. Recruitment fees are not only linked to the demand and supply of workers, but also to the demand and supply of decent jobs. Addressing the scarce supply of decent jobs is more important.**

While workers do not like exploitative fees, in practice, most migrant workers prefer to buy the support of a trusted agent on whom they can apply social pressure to find less abusive employers, facilitate negotiations, negotiate exiting difficult employment relationships, overcome the red tape of bureaucratic migration or work-permit requirements, facilitate release from detention following the employer's failure to renew work permits, or navigate other policies restricting their mobility.

Part III.

Recruitment

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Lessons learned  
on how supply  
and demand for  
jobs affects  
recruitment

Lesson 3

**Assessing and testing better recruitment practices and policy measures tends to focus on the potential for success of individual cases and specific “boutique” practices, and yet they seldom change the wider market dynamics that frame the context in which those recruitment practices take place.**

Many fair and ethical recruitment initiatives of international organizations or enterprises are based on specific recruitment processes organized in connection with a few individual employers and their representatives.



Part III.

## Recruitment

Lessons learned on  
the segmentation of  
labour recruitment  
services

Lessons 5 -7





Part III.

Recruitment

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Lessons learned  
on the  
segmentation of  
labour  
recruitment  
services

Lesson 5

**Labour outsourcing and subcontracting policies have tended to blur the responsibilities of employers, labour intermediaries and governments to ensure fair recruitment and decent work.**

Such policies have increasingly enabled:

- 1. Private employers to delink themselves** from the direct responsibility of recruiting and contracting;
- 2. Labour intermediaries to delink themselves from the working conditions** that are offered to workers by employers or other intermediaries;
- 3. The setting of working conditions – by default or design – in a bubble that is kept somewhat isolated from state regulation,** depending on the local legal and market context.
- 4. This has been further complicated by the sidelining of public employment offices in favour of private employment and recruitment agencies,** even though the functions and motives of the former are different from the latter.

Part III.

Recruitment

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Lessons learned  
on the  
segmentation of  
labour  
recruitment  
services

Lesson 6

**Efforts to ensure that labour recruiters share responsibility for labour recruitment outcomes should not concurrently offload the principal employer's responsibility to provide for decent work.**

The fluidity and segmentation of labour supply chains is such that none of the key stakeholders –for example, workers, labour recruiters, regulators and employers – can guarantee a fair migration outcome for any worker on their own.

Part III.

## Recruitment

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Lessons learned on  
the stigmatization of  
informal  
intermediaries

Lessons 8 -9





Part III.

Recruitment

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Lessons learned  
on the  
stigmatisation of  
informal  
intermediaries

Lesson 9

**The discourse on “unscrupulous middlemen” tends to invariably stigmatize informal labour intermediaries. Such discourse can indirectly prevent workers from relying on informal labour intermediaries or other fellow workers in accessing employment and seeking support to exit an abusive labour migration situation.**

Labour intermediaries are invariably referred to as “unscrupulous middlemen”, especially when they operate informally. The profit motive of their work is referred to justify such claims. While there are indeed some abusive recruiters, not all recruiters are the same. Profit motives are inherent to all market players, not only to labour recruiters.



Part III.

## Recruitment

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Lessons learned on  
training programmes  
related to  
recruitment

Lessons 10



Part III.

Recruitment

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Lessons learned  
on training  
programmes  
related to  
recruitment

Lesson 10

**Training programmes on fair and ethical recruitment for private and public recruiters tend to assume that recruiters are in control and responsible for the recruitment outcomes of migrant workers they engage with.**

That is often not the case, especially in sectors known to involve precarious working and living conditions. Undergoing such training programmes can falsely legitimize recruiters who participate in them and can enable them to be advertised in a way that misleads workers wishing to migrate.



Part III.

## Recruitment

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Lessons learned on  
the design of fair  
recruitment  
programmes and  
policies

Lessons 11-15



Part III.

Recruitment

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Lessons learned  
on the design of  
fair recruitment  
programmes and  
policies

Lesson 11

**Whenever prevailing working conditions are notoriously poor, promoting fair recruitment can be counter-productive in some contexts and can even amount to institutionalizing human trafficking.**

In sectors such as domestic and garment work, where working and living conditions tend to be poor, recruitment outcomes are messy. The promotion of fair recruitment runs the risk of institutionalizing recruitment into poor working conditions.



Part III.

Recruitment

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Lessons learned  
on the design of  
fair recruitment  
programmes and  
policies

Lesson 15

**The assumptions behind policies and programmes seeking to improve recruitment practices should be carefully reviewed.**

The programme found that conventional interventions tended to assume that all labour recruiters, often referred to as middlemen, are usually traffickers who dupe workers and employers, and hence recruiters have to be eliminated or tightly scrutinized, while workers and employers need to be educated to know how to manage them. Such assumptions are inaccurate and highly misleading.

# Assumptions of fair recruitment programmes and better practices (Lesson 15)

Characteristics of conventional practices	Characteristics of better practices
<b><i>Assessments</i></b>	
<ul style="list-style-type: none"> <li>• Company-focused assessments or audits</li> </ul>	<ul style="list-style-type: none"> <li>• Pathway or sector-wide assessment preceding and determining company assessments</li> </ul>
<ul style="list-style-type: none"> <li>• Assessment of formal actors only</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment involves both formal and informal actors</li> </ul>
<ul style="list-style-type: none"> <li>• Assessment focuses on recruitment processes only</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment includes full analysis of link between decent work and recruitment</li> </ul>
<ul style="list-style-type: none"> <li>• Rating and certifying recruiters as ethical</li> </ul>	<ul style="list-style-type: none"> <li>• Governments and international organizations should not promote or endorse recruitment practices unless working and living conditions are generally decent</li> </ul>
<b><i>Programme practices</i></b>	
<ul style="list-style-type: none"> <li>• Training for employers and recruiters on codes of conduct</li> </ul>	<ul style="list-style-type: none"> <li>• Identifying checks and balances to promote accountability of all players in the recruitment chain</li> </ul>
<ul style="list-style-type: none"> <li>• Educating migrant workers on recruitment</li> </ul>	<ul style="list-style-type: none"> <li>• Collecting feedback from migrant workers and sharing sector-wide information</li> </ul>
<ul style="list-style-type: none"> <li>• Intercepting informal recruiters at borders</li> </ul>	<ul style="list-style-type: none"> <li>• Dialogue with all types of recruiters</li> </ul>
<ul style="list-style-type: none"> <li>• Piloting fair recruitment with specific companies</li> </ul>	<ul style="list-style-type: none"> <li>• Involving migrant workers in the design and monitoring of recruitment</li> </ul>

## Assumptions of fair recruitment programmes and better practices (Lesson 15)

Characteristics of conventional practices	Characteristics of better practices
<b>Regulation</b>	
<ul style="list-style-type: none"> <li>• Deregulation of outsourcing and subcontracting</li> </ul>	<ul style="list-style-type: none"> <li>• Holding all actors accountable for recruitment outcomes linked to decent work. Accountability of labour intermediation at all levels.</li> </ul>
<ul style="list-style-type: none"> <li>• Banning / criminalizing informal recruiters</li> </ul>	<ul style="list-style-type: none"> <li>• Registering and monitoring of informal and formal recruiters</li> </ul>
<ul style="list-style-type: none"> <li>• Non-binding codes of conduct, self-accountability for employers and recruiters</li> </ul>	<ul style="list-style-type: none"> <li>• Labour laws enabling fair recruitment to decent work followed by effective enforcement</li> </ul>
<ul style="list-style-type: none"> <li>• Specific regulations on recruitment</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive social and economic policies that take into account recruitment to decent work</li> </ul>
<ul style="list-style-type: none"> <li>• Complex procedures for migrant workers</li> </ul>	<ul style="list-style-type: none"> <li>• Procedures to seek foreign employment are realistic and do not involve additional time and costs for migrant workers. Policies should remove unnecessary motives of informal intermediation. Simple worker- and effective grievance-management systems should exist, enabling workers to exit abusive employment relations and avoid mobility restrictions.</li> </ul>



Conclusion and  
way forward



# Conclusion

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- 1. With a prolonged twenty-year agrarian crisis, the rural worlds of South Asia have been going through a process of structural transformation** making it increasingly hard for the majority of the rural population to make ends meet. Labour in agriculture has consistently dropped.
- 2. The metros of South Asia have been unable to absorb significant proportions of surplus labour that manufacturing and industries used to absorb** in the past century.
- 3. Female labour participation in several South Asian countries has been either declining or stagnating.** In many rural areas, it's not just that decent jobs for women are usually not there, it's also that working women are highly stigmatized leaving them few options except to stay at home in poverty, survive in the informal economy in undervalued and stigmatized jobs, or seek work abroad.

# Conclusion

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4. **In the Gulf, while employment of migrant workers has been growing enabling many to earn more than they would at home, in practice real wages of migrant workers have been stagnating at relatively low levels while their voices remained repressed.**
5. **In the Levant, Lebanon and Jordan have been beset by profound labour market transformations related to the refugee crisis, economic stagnation or recession that have been pauperising the population.** As a result, there is growing incapacity of many employers to pay agreed wages to migrant workers and guarantee decent work. In Lebanon, the number of migrant workers coming to the country has significantly declined.

**Vulnerability to forced labour actually increased throughout the programme and was further compounded by the covid pandemic.** While the programme provided direct support to 450,000 women, supported organizing of over 180,000 migrant women and successfully advocated for important policy measures, these interventions only prevented the situation from getting significantly worse (e.g. regulations on domestic work, trafficking, removal of mobility bans and other).

# Way forward

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Anyone interested in taking action against forced labour and human trafficking has to go beyond the peripheral direct measures that a programme can undertake (e.g. such as safe migration, fair recruitment, labour audits) and highlight macro-policies that are needed to really make a difference (in line with SDG agenda).

- 1. Position productive employment and decent work of both women and men at the centre of long-term national development plans, strategies and macro-economic policies.** Policies should be in place to effectively respond to surplus labour emerging during periods of structural transformation.
- 2. Explicitly acknowledge and include excluded occupations or types of workers under the fold of general labour law protections.** It is very important that migrant workers, domestic workers and other excluded vulnerable workers are given full labour protections. Legal and policy measures are important.

# Way forward

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- 3. Guarantee employment for all while recognizing the specific vulnerabilities of marginalized persons.** Waiting exclusively for foreign investment to drive job creation does not work. Employment should be guaranteed by law and promoted by policies. Whether it's through public or private employment, examples of effective employment promotion policies exist across countries through different periods of history (e.g. MNREGA in India, New Deal in US).
- 4. Establish robust social protection floors** enabling populations who do not have the means to make ends meet to access basic services that prevent them from falling or remaining in poverty. These measures are particularly important during periods of structural economic transformations that may see the emergence of significant numbers of unemployed, underemployed or informal workers.
- 5. Remove mobility and employment restrictions for women.** The programme closely reviewed mobility restrictions in several countries. Bans on women's mobility and employment are a violation of their human rights and are also simply ineffective. They should be simply removed.
- 6. Expand the support basis for migrant workers,** women workers and other vulnerable workers to be able to avail their labour and other human rights and more effectively participate in policymaking that affects them.