



2nd Regional Conference in view of the creation of the Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP)



Making Breakthroughs in the Implementation of Ethical and Professional Recruitment

Conference Proceedings

1-2 April 2014
Bayleaf Hotel, Intramuros
Manila, Philippines

The opinions expressed in the report are those of the authors and resource persons and do not necessarily reflect the views of the International Organization for Migration (IOM).

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operation challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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FOREWORD

The International Organization for Migration (IOM) takes cognizance of the importance of these Proceedings of the Second Regional Conference of Alliance of Asian Association of Overseas Employment Providers, held on 1-2 April 2014 in Manila. The occasion was significant in gathering government and recruitment industry representatives from Colombo Process Member States to pursue what was begun in 2008 as a venue to engage responsible recruitment agency leaders in Asia towards the shared pursuit of ethical recruitment. This year's event reinforced the vision, mission, core values, their common resolve and indicative action programme to enhance their role as professional recruitment agencies, and the improvement of their image and relationship with the government and their clients.

The IOM specially acknowledges its partnership with the International Labour Organization (ILO) in this undertaking. Various knowledge inputs from government, international organizations, migration experts, trade unions, employers, private recruitment industry, as well as civil society organizations, have been generated through the joint effort. These sector papers, the interactive sessions, and workshops are by themselves as important as the outcome documents that deserve a record of reference for follow up action. This publication is intended to reach a wide range of stakeholders, particularly among the ranks of the recruitment industry in Asia, to guide their continuing collective, joint, or parallel action.

The IOM and the ILO are grateful to the European Union who has supported this undertaking through the following regional programmes: IOM's Strengthening Labour Migration Management Capacities in Bangladesh, Indonesia, Nepal, and the Philippines for Replication in other Colombo Process Member States and ILO's Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers. The organizers likewise thank the Government of the Philippines in supporting to host the event.

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EXECUTIVE SUMMARY

In 2008, a regional conference brought together national associations of labour recruitment agencies and government placement offices in Asia with the goal of forging relations that would encourage cooperation in promoting and sustaining ethical and professional practices within the recruitment industry. The conference-workshop was organized by the International Organization for Migration (IOM) and was held April 3-4, 2008 in Manila, Philippines. The event, which gathered representatives of recruitment agency associations from Colombo Process member states, concluded to a Commitment to Action on Ethical Recruitment and led to the formation of the Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP).

In 2014, six years later, the IOM and the International Labour Organization (ILO) jointly organized a second regional conference for the AAA-OESP as a follow-up to the outcomes achieved during the first gathering. The conference, titled "Making Breakthroughs in the Implementation of Ethical and Professional Recruitment" was held April 1-2, 2014 at the Bayleaf Hotel in Intramuros, Manila, Philippines. The two-day event aimed to provide a space that would encourage discussion among delegates and participants on current recruitment issues and trends, ethical recruitment practices, and the ways in which the AAA-OESP could work towards addressing problems faced by the recruitment industry and the overseas employment sector today.

The conference gathered about 75 participants, including: 23 delegates representing private recruitment associations and public recruitment bureaus from Colombo Process member states (Afghanistan, Bangladesh, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam); experts from selected migrant origin countries in Asia and receiving countries in Europe; observers, mostly from the Philippines; and officers and representatives from international organizations, namely the ILO, the IOM and UN Women.

The event was organized and divided into six sessions that included about 16 presentations from ILO, IOM, government, independent associations, recruitment industry representatives and other experts, and some six responses from recruitment industry delegates. The fifth session involved a breakout workshop tackling three themes simultaneously, while the sixth session involved the plenary planning workshop. Throughout these sessions, open discussions provided the opportunity for participants and experts to exchange ideas, experiences, and views about various issues on ethical recruitment.

Discussion topics covered existing and proposed good practices on labour recruitment, labour market and industry trends, the challenges faced by recruitment agencies, issues concerning private and government recruitment and placement, labour migration policies at national and regional levels, and international conventions that promote ethical recruitment.

Conference Day 1

On April 1, the conference commenced with welcome remarks from Mr. Marco Boasso, Chief of Mission of IOM Philippines and Director of the Manila (Global) Administrative Centre. He emphasized that “the role of recruitment agencies to match jobs with skills and to address the mutual needs between employers and workers, as well as between origin and destination countries, is strategic. As individuals, households, industries and economies rely on the economic gain that can be facilitated by recruitment, it is therefore important to ensure integrity in the recruitment system.”

This was followed by opening messages from Mr. Lubomir Frebort of the European Union Delegation to the Philippines and from Mr. Lawrence Jeff Johnson, Country Director of ILO Philippines. Mr. Frebort said the EU welcomes the creation of the AAA-OESP, and talked about how the EU has coordinated with the ILO and the IOM, engaging in initiatives that aim to address labour migration issues. Mr. Johnson, meanwhile, emphasized the promotion of ethical recruitment practices and the need for a multilateral approach to recruitment management.

In his keynote message, Hon. Danilo Cruz of the DOLE said the department welcomes this initiative in bringing together recruitment associations from different countries and to encourage dialogue on ethical practices. He said he hopes the conference would lead to more concrete action on the promotion of ethical recruitment.

As overall facilitator, Mr. Ricardo Casco, Mission Coordinator and National Programme Officer of IOM Philippines, introduced all delegates and outlined the key objectives and expected outcomes of the conference.

The conference proceeded to Session 1: Revisiting the Foundation for Ethical Recruitment, which focused on the basics of ethical recruitment. Presentations from speakers covered the following topics: an overview of international frameworks and instruments related to ethical recruitment, most notably ILO Conventions, the Alliance’s 2008 Commitment to Action on Ethical Recruitment and the principles behind it, and the multi-stakeholder approach to ethical international recruitment. After the presentations, two recruitment industry delegates were invited to share their reactions and responses.

Recruitment industry delegates expressed agreement with many of the points presented. Some challenges for recruitment agencies were mentioned, such as different standards in international skills certification (for instance, Indonesia’s standard for certification, such as those for nurses, is not accepted in America or in Europe). There is also the tendency to blame

licensed recruitment agencies for the unethical practices committed by unlicensed ones. The idea of charging fees to migrant workers and the “no placement fee” approach elicited different views, with some saying that a certain amount could be charged, so long as it is limited and legalized.

Open discussions reflected strong agreement on the notion that ethical recruitment leads to decent work for migrants. Participants asserted that ethical recruitment should be a shared responsibility of both origin and destination countries, and that it should be sustained with codes of conduct, complaint mechanisms and proper enforcement through a regulatory body. There was also emphasis on the need to take action and to impose sanctions on violators.

Recommendations included the assessment and ratification of ILO Convention No. 181 (C181) of 1997,¹ the implementation of ethical recruitment legislation through a consultative process, strengthening transparency and adopting codes of ethical conduct.

Session 2: Emerging Trends and Realities in Recruitment covered topics concerning current trends in the recruitment industry, labour migration trends within the ASEAN region, a survey of best and ethical labour migration practices of sending and receiving countries, and definitions and codes of ethical recruitment, including a review of related policy instruments.

The session tackled recruitment regulations and policies, the public image of agencies, as well as challenges in job matching and labour shortages. In the ASEAN region, labour migration statistics were presented, followed by a discussion on the implications of economic integration, as in the case of the ASEAN Economic Community (AEC) and its impact on the mobility of highly skilled and less-skilled workers. Tools for facilitating free skilled mobility (such as mutual recognition arrangements) were touched on as well.

A number of labour migration models observed in sending and receiving countries in the areas of licensing, regulation, information dissemination, policy development, and institution-building were shared. In a review of policy instruments on ethical recruitment, it was found that when it comes to policy design, not all principles are translatable to implementable provisions, and that challenges of implementing regulations persist. Moreover, the significance of finding a common definition of “ethical recruitment” was emphasized.

¹C181: *Private Employment Agencies Convention (1997)*, No. 181. International Labour Organization. See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:12100:P12100_INSTRUMENT_ID:312326:NO.

The topic stirred the discussion on several issues. For instance, one recommendation was that recruiters should position themselves as partners in development. This raised the question of how recruiters can make the transition from being merchants of labour to development partners, providing education, training and other services. Participants also pointed out issues concerning subsidizing or imposing taxes on recruitment, finding ways to support good recruitment agents, as well as handling negative media representation and public perception of recruitment agencies.

Participants agreed there is still a need to define ethical recruitment through social dialogue, and that ethical recruitment and safe migration practices should be documented and disseminated. Support systems in the implementation of codes (i.e., monitoring, evaluation, feedback mechanisms) could be developed. In response to a presenter's mention of the lack of knowledge among many migrant workers regarding overseas employment processes, a delegate suggested providing a mandatory pre-employment orientation seminar. Another recommendation pointed to developing cooperation among recruitment associations locally and internationally, and to involve recruitment agents in policy dialogue.

Session 3: Fostering An Environment Conducive to Ethical Recruitment focused on the initiatives of governments and private recruitment agencies in promoting ethical recruitment practices. Key topics discussed were the migration management initiatives of the Philippine government, the International Confederation of Private Employment Agencies (CIETT) and the Vietnam Association of Manpower Supply's (VAMAS) Code of Conduct (COC-VN). Implementing rules and regulations with monitoring and evaluation, providing recognition and incentives, requiring licensing and certification, disseminating information, adopting codes of conduct and forging national federations – these were some of the initiatives and strategies highlighted as critical factors to build a conducive environment for ethical recruitment.

Discussions mostly leaned towards the challenges of ensuring full compliance of employers and recruitment agencies to ethical recruitment standards and regulations (as in the case of the Philippines), as well as the need to sanction violators. Participants also mentioned the problems of corruption and moneymaking schemes that render migrant workers vulnerable to abuse, especially in the Gulf countries. In some countries, there are so many approval procedures and processes that could be minimized. One participant raised a question on how the ranking system (in the case of COC-VN) could gain trust from government and the public.

Participants recommended that recruitment rules and regulations should be reviewed, and that there should be monitoring and evaluation mechanisms to ensure recruitment agencies adhere to codes of conduct. Additional suggestions were to forge bilateral labour agreements and strategic partnerships with countries of destination, to better organize private employment agencies and to create a regional group of federations.

Before concluding the first day, copies of the draft outcome document were distributed for all participants to review. A draft review committee composed of representatives from Bangladesh, Indonesia, Philippines, Vietnam, and Thailand was constituted. It was expected that by the end of the second day of the conference, AAA-OESP representatives would arrive at an agreement and would be ready to sign the document, which is a joint statement in pursuit of ethical recruitment.

Conference Day 2

On April 2, the second day of the conference began with a recapitulation of the previous day by Mr. Khair Mohammad Niru (Director General, Manpower and Labour Affairs Regulation; Ministry of Labour, Social Affairs, Martyrs and Disabled, Afghanistan). This was followed by the next session.

Presentations during Session 4: Promising Practices in Ethical Recruitment reported on best practices and experiences of government and recruitment agencies, associations and international organizations in promoting ethical recruitment. Developing an international framework for international recruitment and using identification, licensing, registration and grading systems were cited as examples of such practices. Presenters also mentioned charging private recruiters insurance deposit and providing receipts, reducing recruitment costs and providing employers optional services. One shared experience was the use of a recruitment system that involves processes in planning, recruitment, preparations, practical matters, education, and follow-up. The case of one recruitment company adopting an online recruitment system showed the implications of using technology, online and social media.

Discussion following these presentations concentrated on the difficulties recruitment agencies face regarding policies and regulations. For instance, it was mentioned that an origin country's laws and regulations and international conventions are not always applied in receiving countries. This led to some differences in recommendations. One participant said that migration policies and processes should be uniform and standardized. On the other hand, it was also argued that different models would be needed since control mechanisms in different societies vary in culture and in structure. Recruitment processes like procurement and

placement vary across countries. A common complaint cited by many participants was the amount of paperwork involved in bureaucracy.

A delegate raised the problem of competition between government recruitment and private recruitment agencies, saying that there is a need to “level the playing field.” Government must subject itself to the same regulations imposed on private recruiters. However, from the government recruitment perspective (at least in the Philippines), government only services a negligible percentage share of the market; it does not really constitute active competition but is implemented in the spirit of bilateral treaties or agreements.

Other observations shared in the discussion pointed to the inconsistent implementation of regulations and cases wherein the government does not take responsibility for the conditions of exploited migrants. Some participants criticized government-to-government placement. Different reactions on the “no fee charged to migrants” approach also resurfaced. Recommendations stressed the need for building trust and reinforcing cooperation between government bureaus and private recruitment agencies. Workers should also be properly informed about practical arrangements, salaries, language training, and cultural issues.

In Session 5: Breakout Sessions, participants were divided into three groups for separate, simultaneous discussion workshops, following the World Café format. The topics for the breakout sessions were:

- I. Practical Indicators of Ethical Recruitment
- II. Environmental Scanning: Strengths, Weaknesses, Opportunities and Threats (SWOT) for the Recruitment Industry
- III. Challenges in Cultivating an Environment Conducive to Ethical Recruitment

Each group focused on one of these topics. Participants were asked to contribute ideas and input to their assigned group's topic for a total of 30 minutes. They were later asked to switch to the next group and to contribute to the discussion on another topic. This was done thrice, for a total of an hour and 30 minutes, giving all participants a chance to provide inputs on each of the three topics. Rapporteurs assigned per group were asked to report the results of the breakout sessions to all the participants.

In Session 6: Plenary Strategic Planning Workshop, participants worked together on three objectives: 1) to review the 2008 Program of Action, 2) to identify action responses to the SWOT analysis from Session 5 and 3) to discuss the organizational plan for national industry associations and the regional alliance that was presented in checklist form, with guide questions and specific strategies. Mr. Baruah and Mr. Soda facilitated the first two activities, while Mr. Casco facilitated the third.

In the review of the 2008 Commitment to Action on Ethical Recruitment, participants generally adhered to the pursuit of the action points, as they are still very relevant. The workshop moved on to identifying action responses to the SWOT analysis of the recruitment industry, and to reflect on how the alliance can capitalize on the strengths, mitigate the weaknesses, take advantage of opportunities and overcome the threats. Suggestions for action responses included adopting the International Recruitment Integrity System (IRIS), strengthening national associations and identifying potential allies or networks that can provide support on capacity building and forging alliances. A number of participants emphasized the previously mentioned recommendation that recruiters should position themselves as partners for development, and to communicate positive images and stories of the recruitment industry to gain the trust of the government and the public.

There were differing views on the ratification of ILO Convention No. 181, with some participants expressing concern over its implications on local laws, such as on collecting fees from migrants. It was also suggested that finding a common definition of ethical recruitment could be one of the next steps for the alliance. Frequently mentioned in the discussion were criticisms against the Gulf Cooperation Council (GCC) Accredited Medical Clinics Association (GAMCA) and government-to-government placement. Some participants said these should be addressed, while others requested the IOM and the ILO for an intervention. International organization representatives responded by advising that these issues could be taken up in the Colombo Process and in the Abu Dhabi dialogue.

Mr. Baruah said that the 2008 Program of Action still needs work, and suggested that the Secretariat could follow-up on this and to circulate the information among the national associations.

In discussing the organizational plan for national industry associations and the regional Alliance, Mr. Casco read out the checklist of guide questions and reminders on what could be done to strengthen national industry associations and to strengthen the AAA-OESP. The three main questions read out to participants were:

1. What steps will you take to organize and/or strengthen your national industry association?
2. What steps will you take to establish or re-establish the Alliance of Asian Association of Overseas Employment Service Providers (AAA-OESP)?
3. What measures will you take to sustain or nurture the Alliance?

Only a brief discussion followed and with no further comments, Mr. Casco concluded the activity and presented the third working draft of the “Joint Statement in Pursuit of Ethical Recruitment,” which had been revised by the writing committee. He explained the general contents of the statement, reading the key statements that detail the commitments of members of the alliance who will sign the document.

Participants generally agreed with the contents of the draft, though some suggested minor revisions that were mostly related to the choice of terms and phrasing in some parts of the document.

One of the commitments in the joint statement is to establish a Secretariat with a rotating term of office (two years each term). The participants voted the Philippines as Secretariat for the first term. Mr. Casco reminded the elected country to create a website to provide an online platform where alliance members can share and exchange ideas.

After the plenary strategic planning workshop, Ms. Catherine Vaillancourt-Laflamme of the ILO began the closing ceremony by first inviting key delegate-representatives to come together for the reading and signing of the “Joint Statement in Pursuit of Ethical Recruitment.” Ms. Samida Huda, National Programme Officer of IOM Bangladesh, read out a conference synthesis that summarized discussion highlights from the sessions.

Delegate-representatives read and signed the “Joint Statement in Pursuit of Ethical Recruitment.” The conference officially ended with closing remarks from POEA Deputy Administrator and Officer-in-Charge Liberty Casco, followed by a photo session and adjournment.

WELCOME REMARKS



Mr. Marco Boasso

*Chief of Mission, International Organization for Migration (IOM) Philippines
Director, Manila (Global) Administrative Centre*

Honorable Undersecretary Danilo P. Cruz of the Department of Labor and Employment of the Philippines; Ms. Liberty T. Casco, Officer-in-Charge, Philippine Overseas Employment Administration; Mr. Lubomir Frebort of the European Union Delegation in the Philippines; my colleague, Mr. Lawrence Jeff Johnson, Country Director of the International Labour Organization, Philippines; colleagues from UN WOMEN; delegates, observers from governments and private recruitment industries of the Colombo Process Member States; migration experts, officials and colleagues from IOM and ILO from Geneva (Federico Soda), Bangkok (Yuko Hamada, Nilim Baruah and Manuel Imson), project teams from Dhaka, Hanoi, Jakarta, Kathmandu, Manila and New Delhi. Ladies and gentlemen, a very pleasant good morning to all!

It is my great pleasure to welcome you all and serve host, along with ILO Manila, to the 2nd Regional Conference of the Alliance of Asian Association of Overseas Employment Service Providers. This important event would not have been possible without the support of the European Union to the IOM Regional Project on Strengthening Labour Migration Management Capacities and to the ILO Regional Project on Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers.

At the heart of this conference is remembering that there are about 30 million labour migrants from all over Asia, according to an ILO 2010 estimate, circulating from origin countries through all parts of the world, a notable proportion of whom have been mobilized for work abroad by recruitment agencies. Concerns about exploitation and recruitment malpractices continue to confront these labour migrants, a state of condition which the IOM is committed to strategically address.

Six years ago, the IOM, through an EU-funded Regional Project gathered associations of recruitment agencies in all of the 11 Colombo Process countries to guide a process which concluded the Commitment to Action on Ethical Recruitment, highlighting a collectively defined statement of vision, mission, core values and an indicative plan of action. A declaration of such strategic importance indeed needs a platform for regional dialogue, reflection and reaffirmation of commitments. Many developments have transpired in the market, new perspectives in migration governance have emerged and countries have worked together more actively on shared issues at the bilateral, sub-regional, regional and global level.

The Global Forum on Migration and Development, the UN High Level Dialogue on Migration, the Regional Consultative Processes – notably the Colombo Process and the Abu Dhabi Dialogue, the ASEAN integration, the Asia-Europe Meeting on Migration, the International Dialogue on Migration and many other multi-lateral fora have all harnessed the genuine interest and enthusiasm of both origin and destination countries in tackling the common resolve for the promotion of the welfare of migrants and protection of their human rights. It is no doubt, that recruitment agencies vested with legal mandate and authorized by their respected governments, deserve to be recognized and be part of this common resolve.

Recognition as a sector has continued to be a challenging journey for the recruitment industry for many reasons which I am sure you know best. Yet it must be conquered. Last March 24-25 of this year, the International Dialogue on Migration was held in Geneva to launch the Public-Private Alliance for Fair and Ethical Recruitment. An agreement with IOM and the International Organization of Employers (IOE) “to work on a global level on reducing exploitative recruitment practices in international labour migration and on implementing the International Recruitment Integrity System (IRIS)” was signed. In this occasion, IOM Director General William Lacy Swing highlighted that:

“Safe labour migration that benefits migrants, employers, governments and society at large is a process that is only as strong as its weakest link. The international recruitment process urgently demands international attention and broad collaboration between governments, the private sector, international organizations and civil society.”

Recruitment agencies match the skills with jobs and link the needs of workers and employers for the benefit of individuals, households, industries and the economic well-being of countries. It is therefore very crucial that the integrity of the international recruitment system and human resource

management is assured. I am confident that with the guidance of the battery of highly reputed migration experts, this regional conference will be able to cultivate or launch breakthroughs in the implementation of ethical and professional recruitment.

I am especially thankful for the partnership with the ILO and acknowledge the efforts of both our teams in this undertaking, led by Mr. Ricardo Casco, IOM Mission Coordinator / National Programme Officer and Ms. Catherine Vaillancourt-Laflamme, Chief Technical Adviser on the ILO DWAB project. It is inevitable to synergize our efforts given that our parallel projects, both funded by the EU, share common objectives in the pursuit of ethical recruitment.

I look forward very highly to an enriching exchange and an action-filled commitment from all the delegates. Thank you very much. Mabuhay!

OPENING MESSAGE



Mr. Lubomir Frebort

*Head of Political, Press and Information Section
Delegation of the European Union to the Philippines*

Undersecretary Danilo Cruz of the Department of Labor and Employment, Mr. Marco Boasso, the IOM Chief of Mission, Mr. Lawrence Johnson, the ILO Country Director, distinguished guests, ladies and gentlemen - good morning.

I am very pleased to join you today on the occasion of this second regional conference of overseas employment service providers.

The European Union recognises the importance that overseas employment service providers play in the area of migration. Indeed, in many labour-sending countries, these are not the governments, but the private agencies, which account for majority of skills-pooling and overseas job placements.

On the other hand, I am aware that overseas recruitments through the private agencies are facing serious challenges, including the allegations of malpractice, and abuses by some unscrupulous firms. And even though there are over a thousand registered private recruitment firms, many labour migrants still fall prey to illegal recruitment. In the Philippines, the authorities have documented over 1,000 cases of illegal recruitment in 2011 alone. And this number might just be the tip of the iceberg as many more cases go unreported.

Indeed, illegal recruitment and unethical recruitment are some of the most urgent issues that need to be addressed not only by the government, but by the private sector as well.

And I am glad to know that this problem is being addressed now through facilitating a dialogue between governmental regulatory bodies

and the private sector. For this, I commend the International Organization for Migration (IOM), and the International Labour Organization (ILO) for creating a platform called the Tuesday Industry Forum through the two EU-funded projects. The Forum is a good venue for industry actors and government to discuss labour migration issues and propose solutions to better serve employers and migrant workers.

Last year, the EU Delegation representative led the inauguration of IOM's project on "Strengthening Labour Migration Management Capacities," which is being implemented in Bangladesh, Indonesia, Nepal and the Philippines. One of the key aims of that project is to improve the capacity of the governments and private recruitment agencies to effectively carry out recruitment monitoring. It is good to note that the initiative was received well by stakeholders, including the association of private recruitment agencies.

The ILO is also implementing a project on "Promoting Decent Work Across the Borders." The ILO project has a keen interest on advancing ethical recruitment because its focal sector of concern are the Filipino, Indian and Vietnamese health professionals who are working or planning to work overseas. Like the IOM, the ILO has strategically included the private recruitment agencies as key stakeholders in the action.

Both these projects, by the way, are funded under the EU's Thematic Programme on Migration and Asylum (TPMA) with EUR 1.5-million and EUR 2-million grants respectively, or Php 92 million and Php 122 million, respectively.

The EU welcomes the creation of an Asia-wide alliance of overseas employment service providers (AAA-OESP) and looks forward to the signing of the Commitment to Action on Ethical Recruitment by the concerned parties. This Commitment to Action, once signed, will be a significant step forward towards professionalising the ranks of overseas employment service providers, which should contribute to migrants' safe and humane migration. The EU appreciates the continuous willingness of the Asian recruitment actors to work together toward better institutions with the goal to promote ethical recruitment.

Although still a loose organisation, the Alliance can participate efficiently in the national policy processes; it could be better positioned to help providing solutions to issues affecting the industry, including curbing unethical recruitment practices.

Let me focus briefly on the EU's thinking on the topic of migration. As you know, migration fares prominently on the EU's political agenda, with migrants' rights as a focal area of its migration policy. The EU is committed to eradicating trafficking in human beings and illegal recruitment within, or outside its borders. It has consistently promoted a human rights-based approach to migration with the Global Approach to Migration and Mobility or GAMM as guiding framework. The GAMM summarises EU policies on migration and asylum which are based on three pillars: 1) prevention and curbing of irregular migration, 2) fostering links between migration and development, and 3) labour migration.

Moreover in 2012, the EU laid out in its "Strategy towards the Eradication of Trafficking in Human Beings" with several action points, including targeting trafficking for labour exploitation. The Strategy calls for explicit action on several fronts including increasing public understanding of online-based recruitment schemes, in order to minimize risk of illegal recruitment and trafficking.

I would also like to inform you that the EU has supported a technical cooperation project with the Philippine Overseas Employment Administration (POEA) two years ago through our Migration EU Expertise or MIEUX. The cooperation sharpened the knowledge and skills of POEA personnel and enhanced the agency's information campaign versus illegal recruitment schemes down at the local level. MIEUX experts also trained 12 Filipino labour attachés based in Europe on the latest EU measures and policies in the fields of legal labour migration, anti-trafficking efforts, legislative developments and other related aspects of EU migration policy.

Let me conclude by thanking both the IOM and ILO for successfully bringing together all stakeholders at this conference. I also wish to congratulate the industry leaders of the overseas employment service providers from the Asian region for coming together for a worthy purpose.

I am encouraged and pleased to see how many resource persons and well-qualified participants from different countries gathered at today's conference. This really is a unique setting for launching our joint work on promoting ethical recruitment, and each and every one of the participants has an important role to play in it.

I wish all of you a meaningful conference, and I look forward with a great excitement to the outcomes of your discussions.

OPENING MESSAGE



Mr. Lawrence Jeff Johnson

Country Director

International Labour Organization (ILO) Country Office for the Philippines

- Undersecretary Cruz of the Department of Labor and Employment,
- Deputy Administrator Casco of the Philippine Overseas Employment Administration,
- Mr. Frebort of the European Union Delegation to the Philippines,
- Mr. Boasso of the International Organization for Migration,
- Ms. Carletide of the UN Women,
- Government and private recruitment sector delegates from Afghanistan, Bangladesh, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Viet Nam,
- Mr. Shepherd of the International Confederation of Private Employment Agencies,
- Observers from governments and private recruitment industry of the Colombo Process member states,
- Migration experts, officials and colleagues from IOM and ILO in various country offices in Asia and in Europe

Ladies and gentlemen, magandang umaga sa inyong lahat (good morning to all of you)!

Welcome to the 2nd Regional Conference of Alliance of Asian Associations of Overseas Employment Service Providers!

The two-day international event is co-hosted by the ILO and IOM. On behalf of Marco (IOM) and myself, let me say we're honoured to have you here with us in Manila. As I've been in Manila now, four years I believe, I can say that it's truly more fun in the Philippines.

Over the course of the next two days, we have the opportunity to engage and discuss important issues of ethical recruitment and how social dialogue at the national, regional and international levels can help achieve this goal.

International migration is a phenomenon of growing importance. Nearly half of the 232 million international migrants today are economically active, of which 30 per cent are in Asia.²

Along with government, the private sector has been increasingly providing essential employment services to employers and workers, by helping make the link between the demand and supply of labour, across borders.

Everyone here today is aware that recruitment is a complex issue, in a complex world!

For the ILO, it is crucial to ensure that people are not moving from their countries of origin out of necessity, but out of choice. President Aquino in his inaugural address said that migration should be an option and not a necessity. This is the first fundamental pillar for migrant workers to be less vulnerable.

Although awareness of ethical recruitment, and the number of ethical recruitment agencies is increasing, many migrants continue to be exposed to the risk of being lured into exploitative employment by unscrupulous brokers.

The consequences of unethical recruitment practices on workers are well documented. Unethical recruitment has a direct impact on the capacity of migration to yield its development aspirations.

It's not surprising for most of us that there is a strong relationship between high migration costs and the risks which migrants face.

Reducing the costs of labour migration, including recruitment fees, is one of the UN Secretary General's eight-point agenda as put forward during the recent High-Level Dialogue on International Migration and Development.

²Source: *Mainstreaming of Migration in Development Policy and Integrating Migration in the Post-2015 UN Development Agenda, Global Action Programme on Migrant Domestic Workers and their Families, International Migration 2013: Migrants by origin and destination.*

Today, we see a convergence of minds at the international, regional and local levels in favour of ethical recruitment.

At the international level, the ILO is at the forefront of establishing standards and guidelines which include:

- the Multilateral Framework on Labour Migration,
- the Migration for Employment Convention (Revised), 1949 (No. 97),
- the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and
- the Private Employment Agencies Convention Number 181.

The UN has the International Convention on the Protection of the Rights of All Migrant Workers and their Families.

Our sister UN agencies such as the WHO has the Global Code of Practice on the International Recruitment of Health Personnel.

UN Women has its Covenant of Ethical Conduct and Good Practices for Overseas Employment Services Providers.

A range of other Alliances, trade unions, professional and industry associations, such as the International Confederation of Private Employment Agencies, present here today, have paid significant attention to ethical recruitment through codes of practice.

These codes of practice supplement government's mechanisms and enhance the capacity of government's primary duty to regulate recruitment practices.

Clearly, many organizations are looking at ethical recruitment because, as we already know, unethical practices endanger migrant workers.

Also of great concern is the fact that unethical recruitment practices reduce the development potential of migration and impact on sustainable and inclusive growth both for the host and sending countries.

Unethical recruitment is costly for employers who pay for inadequate recognition of migrants' skills, falsified documentation, high turnover rate, low morale, low productivity and much more.

We are also all aware that unethical recruitment damages the reputation of the industry as a whole.

There is a clear need for a multilateral approach to the governance of migration as patterns of recruitment are getting ever more complex. Not only for countries of origin, but for countries of transition and destination.

On the way forward, it is vital for stakeholders to come together and agree on a common understanding and implementation of ethical recruitment practices across borders, while avoid duplication of efforts.

We often hear that each country is unique and each migrant is different.

The ILO has introduced a rights-based approach through its Multilateral Framework on Labour Migration. I believe it's possible and it can be used to endorse the issue of ethical recruitment.

Governments, industry representatives such as yourselves, trade union and employers all play a key role in the design of this international governance system on ethical recruitment. Such systems will help ensure that both human rights and labour rights are respected beyond national borders.

In order for this international framework to succeed, it requires social dialogue at the local, regional and international levels. I believe we are making breakthroughs in that regard, here and now.

Ethical recruitment starts at home. Each staff member of recruitment agencies in every country – whether receiving or sending – have key roles to play.

As such, ethical recruitment needs to be a bottom up philosophy. As industry representatives, you're the key to making migration a significant, safe, decent and productive experience for millions of migrant workers you support.

With all of this as a backdrop, I think we have two interesting days ahead of us!

In closing, and on behalf of the ILO, I would like to thank the European Union for its generous financial support to the ILO and its migration agenda, through the Decent Work Across Borders project.

I would also be remiss not to mention the excellent collaboration between the ILO and the IOM within the Philippines. Let me recognize the efforts of the two teams for their passion and commitment. I would

like to highlight the efforts of Mr. Ric Casco and his team and colleagues at the IOM. And that of my ILO team - Catherine, Jen and Joy - from the ILO Decent Work Across Borders.

Building on your extensive experience and that of the internationally recognized resource people present, I am confident we will find concrete ways for more ethical and professional recruitment practices, across borders.

I wish you all a productive discussion and fruitful dialogue.

Thank you and Mabuhay!

Note: This opening message is also available at http://www.ilo.org/manila/info/public/sp/WCMS_240228/lang--en/index.htm.

KEYNOTE MESSAGE



Hon. Danilo P. Cruz

Undersecretary

Department of Labor and Employment (DOLE), Philippines

- Mr. Marco Boasso, Chief of Mission, IOM Philippines
- Mr. Lubomir Frebort, Head of Political and Press Information, Delegation of the European Union to the Philippines,
- Mr. Lawrence Jeff Johnson, Country Director, ILO Manila,
- Officer-in-Charge, Liberty Casco of the Philippine Overseas Employment Administration,
- Delegates, representatives of the different international and local organizations,

Ladies and gentlemen, a very pleasant April Fools' Day morning to all of you.

On behalf of Labor Secretary Rosalinda Dimapilis-Baldoz, who is currently in Geneva to attend the 20th session of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, I wish to congratulate the IOM, the ILO and the delegation of the European Union for organizing this conference on the management of migration of workers, with special focus on the promotion of ethical recruitment. This initiative we believe is a good follow-up to the initial effort of the IOM in 2008 to organize a regional conference-workshop of the national association of recruitment agencies in Asia, and the government agencies involved in the job placement services and ethical recruitment promotion. We recognize the 2008 conference-workshop as a breakthrough in getting the Asian recruiters to engage in a dialogue on issues concerning the recruitment of workers and in securing their support to the conclusion of the Commitment to Action on Ethical Recruitment. We also recognize the support of international organizations and social partners in promoting the private sector with a platform to engage in the continuing dialogue and cooperation that complement the social

dialogue and cooperation efforts of government and civil society groups at the regional and multi-lateral levels.

The management of safe and orderly migration of workers has been the core of many dialogues in international fora on migration - in the UN dialogue on migration, the Global Forum on Migration and Development (GFMD), the regional consultation processes on migration. Calls have been repeatedly articulated for both countries of origin and destination to minimize the costs and maximize the gains of cross-border movements of workers. We fully agree on the observation from these dialogues that migration should advance, empower and increase human capabilities and enlarge the scope of human choices and create a safe and secure environment where citizens can live with dignity and equality.

Indeed, the objective of migration and development can only be achieved when the concerns of workers - the most important actor in the migration process - are placed at the center of cooperative discussion on migration-related issues. Because of recruitment, the migrant workers have been a persistent issue for governments and other stakeholders involved in migration. Migration workers suffer from recruitment malpractices of abusive recruitment agencies servicing certain labour markets. This problem is further aggravated by the absence of regulation or the lack of capacity of governments to enforce ethical recruitment standards within and outside their territorial jurisdiction. We are therefore pleased to note that the issue of recruitment malpractices has become a major concern identified in different frameworks for cooperation between governments of countries of origin and destination on migration management.

As a country of origin, the Philippines places protection of migrant workers at the forefront of its foreign relations and employment policies. This policy thrust has been integrated in the different mechanisms that have been put in place in all stages of the migration cycle. We acknowledge, however, that while our country has a well-established system for temporary or circular migration, such systems cannot be effectively implemented without the cooperation of destination countries. We also note that the Philippines continues to be confronted with regulatory challenges against the backdrop of managing the migration of workers to over 200 destinations, through a large number of recruitment agencies competing for a good share of the global labour market. With the continuously evolving market, emerging new challenges arising from managing the system for matching demands to supply, the Philippine government is confronted with the need to update its laws and regulations towards a market-responsive system that upholds protection to migrant workers. We believe other countries also face these challenges, as the development in

the dynamic behavior of the global labour market outpaces the laws and regulations in origin and destination countries governing migrant workers.

Under the principle of shared responsibility, and in a climate of ushered global talents and resources, we believe that both origin and destination countries have the duty to discuss and agree upon concrete steps to address migration management and migration-related issues. This strongly implies to the stakeholders of both sides, especially the private recruitment sector, whose partnership with foreign employers or recruitment agent intermediaries, is critical to the attainment of ethical employment and recruitment practices for the migrant workers. Government is there to support the private sector in providing the legal and policy environment conducive to ethical recruitment. Recruitment agencies, therefore, must share the responsibilities and the work with the government, civil societies, their employers and their counterparts in the country of destination towards the promotion of ethical recruitment principles and practices.

We also support the adoption of the multilateral framework, such as regional or global codes of ethical recruitment of the private sector, which can serve as building blocks towards this objective. Countries of origin and destination must also work towards the ratification of the international conventions such as the ILO convention on private recruitment agencies adopted in 1997, which contains important provisions aimed at preventing abuses of migrant workers in relation to recruitment and placement.

Through private employment agencies, the initiative that the IOM has launched in Geneva last week at the International Dialogue on Migration concerning the International Recruitment Integrity System is a very welcome development in the public and private partnership on fair and ethical recruitment. We support and look forward to the success of this innovative approach that can support efforts of countries of origin and destination in addressing the challenge of a more effective regulation and monitoring of private recruitment agencies and employers towards better migration governance and protection of our most valuable human resources.

With the comprehensive scope of topics that will be tackled with enriched exchange of information and sharing of ideas, best practices and experiences between the migration experts and the Asian delegates, we are hopeful that this two-day conference can result to more concrete action by the private sector towards the objective of ethical recruitment.

I wish all Asian delegates a pleasant stay in our country, and mabuhay.

CONFERENCE DAY 1

April 1, 2014

OPENING CEREMONIES

National Anthem

Welcome Remarks

Mr. Marco Boasso, Chief of Mission of the International Organization for Migration (IOM) Philippines and Director of the Manila (Global) Administrative Centre (MAC) formally welcomed all guests, delegates and participants, recognizing presence of the following:

- Honorable Danilo P. Cruz, Undersecretary, Department of Labor and Employment (DOLE), Philippines
- Liberty Casco, Officer-in-Charge, Philippine Overseas Employment Administration (POEA)
- Lubomir Frebort, the European Union Delegation in the Philippines
- Lawrence Jeff Johnson, Country Director, International Labour Organization (ILO)
- UN Women colleagues
- Delegates and observers from governments and private recruitment industry of Colombo Process Member States
- Migration experts, officials and colleagues from the IOM and ILO in Geneva (Federico Soda), Bangkok (Yuko Hamada, Nilim Baruah, Manuel Imson) and project teams from Dhaka, Hanoi, Jakarta, Kathmandu, Manila and New Delhi

In introducing the regional conference, Mr. Boasso acknowledged the support of the European Union to the IOM Regional Project on Strengthening Labour Migration Management Capacities and to the ILO Regional Project on Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers. These are the two engines behind this conference, which centers on the concerns of exploitation and recruitment practices that regularly confront many labour migrants.

He said that six years ago, the IOM gathered associations of recruitment agencies in 11 Colombo Process countries to work together and draft the Commitment to Action on Ethical Recruitment, which presents “a collectively defined statement of vision, mission, core values and an indicative plan of action.”

This conference follows all other efforts to promote and protect the rights of welfare of migrants, from new developments in the recruitment industry, new perspectives in migration governance, and cooperation among different countries on shared issues. Multi-level fora have also drawn efforts among different origin and

destination countries in working together to tackle labour migration issues, from the Global Forum on Migration and Development, the UN High Level Dialogue on Migration and regional consultative processes.

Despite these efforts, Mr. Boasso said that recognition for the recruitment industry as a sector remains a challenge that must be conquered. Recruitment agencies match skills with jobs and link the needs of workers and employers – thus, it is important to ensure the integrity of the international recruitment system and human resource management. He closes his speech by expressing confidence that the regional conference will be able to reach “breakthroughs in the implementation of ethical and professional recruitment.”

Closing the speech, Mr. Boasso acknowledged the efforts of the Labour Migration Unit of the IOM in the Philippines headed by Mission Coordinator and National Programme Officer Mr. Ricardo Casco in making the event possible as well as the support of Ms. Catherine Vaillancourt-Laflamme, Chief Technical Adviser of the ILO’s Decent Work Across Borders (DWAB) project.

Mr. Lubomir Frebort, Head of the Political, Press and Information Section of the European Union Delegation in the Philippines, expressed gratitude for inviting the EU delegation to the regional conference. The EU recognizes the importance of overseas service providers and the role they play in migration, as well as the challenges that private recruitment agencies face, including allegations of malpractice and abuses of unscrupulous firms. Mr. Frebort said that in the Philippines, there were more than 1,000 illegal recruitment cases documented in 2011 alone, not to mention several other unreported cases.

He said the EU welcomes the creation of the AAA-OESP and the signing of the Commitment to Action on Ethical Recruitment, which would promote ethical recruitment practices and contribute to processes that facilitate safe and humane migration.

Mr. Frebort shared some of the ways the EU has coordinated with and provided support to the IOM and ILO in projects that aim to address labour migration issues, including overseas recruitment. The EU is also committed to anti-trafficking and anti-illegal recruitment efforts within and across borders, and promotes a human rights-based approach to migration. In the Philippines, the EU has provided support for the local government, particularly to the POEA, through training agency personnel and labour attachés and developing information campaigns against illegal recruitment.

Mr. Frebort thanked both the IOM and the ILO for convening all relevant stakeholders at the regional conference, and congratulated the AAA-OESP for joining this gathering.

Mr. Lawrence Jeff Johnson, Country Director of the International Labour Organization (ILO) Country Office for the Philippines welcomed all guests and participants to the second regional conference: Hon. Danilo Cruz, Mr. Casco, Mr. Frebort, the IOM and the ILO, as well as representatives from Colombo Process member states and different countries, including government and private recruitment partners. He said that in the next few days, the event will provide an opportunity to discuss important issues on ethical recruitment and how social dialogue at national, regional and international levels can help achieve this goal.

International migration is a phenomenon growing in importance. Mr. Johnson said that along with government, the private sector has been providing essential employment services, helping link the demand to supply across borders. Recruitment is a complex issue in a complex world. For the ILO, it is crucial people are not moving across borders out of necessity.

Mr. Johnson cites Philippine President Benigno Aquino III who, in his inaugural address stated, "Migration should be an option, not a necessity." He said that partners in government and the private sectors have been living by this message. It is a fundamental pillar of migration that migrant workers are less vulnerable, that they move out of choice, not necessity. Although awareness on ethical recruitment has increased, many migrants continue to be exposed to illegal recruitment and unscrupulous practices. Unethical recruitment has a direct impact on migrants' capacity on developmental aspirations. Reducing the cost of labour migration, including recruitment fees, is one of the UN Secretary-General's eight-point agenda as put forward in a High Level Dialogue on International Migration and Development.

Mr. Johnson said that there is now a growing convergence towards promoting ethical recruitment practices at national, regional, and international levels. He cited several conventions at the international level that aim to protect migrant workers were cited. He also mentioned alliances and associations among different recruitment agencies. Many organizations are now recognizing ethical recruitment, as unethical practices put migrants in danger and reduce the development impacts and inclusive growth for sending countries. He added that unethical recruitment damages the reputation of the industry itself.

There is a need for a multilateral approach to recruitment management. Stakeholders have come together to set standards to manage migration across borders. The ILO has also introduced a rights-based approach and multilateral approach to labour migration that can be used to promote ethical recruitment.

In order for the international framework to succeed, there needs to be dialogue at the local, national, and international levels. Ethical recruitment starts at home. Recruitment industries in host and sending countries have a great role to play.

On behalf of the ILO and the IOM, Mr. Johnson thanked the support of the EU and expressed confidence that a common ground on ethical recruitment practices can be reached.

Hon. Danilo P. Cruz, Undersecretary of the Department of Labor and Employment (DOLE) in the Philippines congratulated the IOM and the ILO for organizing this conference, as well as the EU Delegation for their support. On behalf of Secretary Rosalinda Dimapilis-Baldoz, Undersecretary Cruz said the DOLE welcomes this initiative as a good follow-up to the initial effort of the IOM in 2008 to organize a regional conference workshop and getting Asian recruiters to discuss issues on recruiting workers and in securing their support on the Commitment to Action on Ethical Recruitment.

The management of safe and orderly migration of workers has been the core of many dialogues in international fora on migration, such as the UN dialogue on migration, the Global Forum on Migration and Development (GFMD) and the regional consultation processes on migration. Undersecretary Cruz said there have been repeated calls for countries of origin and destination to minimize the costs and maximize the gains of the management of cross-border movements of workers. The DOLE agrees with the notion that migration should advance, empower and increase human capabilities, enlarge the scope of human choices and create a safe and secure environment where citizens can live with dignity and equality.

He said that the objective of migration and development could only be achieved when concerns of migrants are placed at the center of cooperative discussion on migration-related issues. Because of recruitment, migrants have been an issue for governments and stakeholders. Migrants suffer from recruitment malpractices of abusive recruitment agencies. This problem is further aggravated by the absence of regulation or the lack of capacity of governments to enforce ethical recruitment standards within and outside their territorial jurisdiction. He noted that recruitment



Opening Ceremonies, with Key Messages from Representatives of The IOM, The ILO, The EU Delegation and the Department of Labor and Employment in the Philippines.

malpractices have been a major point of concern included in frameworks of discussion between countries of origin and destination.

Undersecretary Cruz said the Philippines places migrants' protection at the forefront of its foreign relations and employment policies. This has been integrated in different mechanisms put in place in stages of the migration cycle. However, though the country has a well-established system for temporary or circular migration, such systems cannot be effectively implemented without the cooperation of destination countries. The Philippines also faces regulatory challenges against the backdrop of managing migrants to countries and within competition among recruitment agencies, as well as a need to update policies.

He said that under the principle of shared responsibility, origin and destination countries have the duty to discuss concrete steps to address migration management and other migration-related issues. Meanwhile, government is there to support the private sector in providing the legal and policy environment conducive to ethical recruitment. Recruitment agencies therefore must share the responsibilities and the work with the government, civil societies, employers and their counterparts in the country of destination towards the promotion of ethical recruitment principles and practices.

Undersecretary Cruz said the DOLE also supports the adoption of the multilateral framework or global codes of ethical recruitment that can serve as building blocks towards this objective. Countries of origin and destination must also work towards the ratification of conventions such as the ILO convention of 1997, which contains provisions on preventing abuses of migrant workers in relation to recruitment. He ended by saying that the DOLE hopes the two-day conference would result in more concrete action towards ethical recruitment.

Introduction of Delegates

Mr. Ricardo Casco, Mission Coordinator and National Programme Officer of IOM Philippines, acknowledged the presence of delegates of the private recruitment industries in Colombo Process (CP) member states, including the government placement bureaus of respective countries.

- **Afghanistan:** Khair Mohammad Niru and Rahman Habib
- **Bangladesh:** Ali Haider Chowdhury and Md. Abdul Hannan
- **India:** Venkataswamy Kuruva and Suchita Dutta
- **Indonesia:** Abdullah Syakir Abdurahman, Yeni Agus Winoto, Dr. Ir. Haposan Saragih, MM and Alimansur Harahap
- **Nepal:** Madhu Vilas Pandit and Subarna Shrestha
- **Pakistan:** Muhammad Ayub Chaudhry and Ahmad Ali Siddiqui

-
- **Philippines:** Nimfa D. de Guzman and Estrelita Hizon
 - **Sri Lanka:** Mohamed Faizer Mackeen and Arachchige Dona Indravo Simal Kahathuduwa
 - **Thailand:** Surachai Wangwattananukul and Bancha Chuenchom
 - **Vietnam:** Huong Pham Viet and Trao Nguyen Luong

Mr. Casco explained the seating arrangement of the conference, which grouped private industry representatives together. Meanwhile, government placement bureaus who handle government-to-government processes (G-to-G) were seated together. Interspersed were migration experts as well as representatives from international organizations such as ILO and UN Women. The aim was to encourage interaction among guests and participants.

For the outcome document expected at the end of the conference, the suggested reviewing committee consisted of representatives from private recruitment industries in the Philippines, Sri Lanka, Thailand, Indonesia, and Vietnam. The conference participants agreed to this arrangement.

Mr. Casco presented the objectives and desired outcomes of the regional conference as enumerated below. He also encouraged participants to contribute to the discussions and to work together towards action-oriented plans for the alliance.

Objectives:

1. To revisit the vision, mission, core values and Commitment to Action on Ethical Recruitment adopted during the first regional conference workshop in 2008 for the purpose of reflection on the desired future of the recruitment industry;
2. To provide technical support to the organization/strengthening of national associations of the recruitment industry in Asia;
3. To facilitate the re-establishment of the Asian network of recruitment agencies; and
4. To foster an exchange of ideas particularly on:
 - a. Emerging trends and existing market realities in the recruitment industry;
 - b. Innovations for fostering an environment conducive to ethical and professional recruitment;
 - c. Promising practices adopted and implemented by recruitment agencies which promote ethical and professional recruitment; and
 - d. To provide a venue for exploring concrete measures that will enable the recruitment industry to initiate and implement ethical and professional practice, which will result in the formulation of a

Programme of Action and monitoring mechanism to be adopted by the AAA-OESP.

Desired outcomes:

1. Indicative joint & parallel action programme of AAA-OESP in pursuit of ethical recruitment;
2. Collective industry resolutions on recommendations to government and their industry ranks for an enabling environment for ethical recruitment;
3. Sector association strengthening, at national and regional levels;
4. Promising country practices and new initiatives shared & promoted; and
5. Background research/orientation papers.

Mr. Casco encouraged participants to share their experiences and knowledge, and also to work together to pursue action-oriented outcomes. He drew consensus from the conference members that the event's success would depend on these objectives and desired outcomes. Transitioning to the first session, co-facilitators were instructed to divide tasks, with one managing the session and the other to provide closing summaries.



Photo Session: AAA-OESP Delegates and Representatives.

SESSION 1: REVISITING THE FOUNDATION FOR ETHICAL RECRUITMENT

*Co-facilitators: **Christina Burwell**, Regional Programme Manager, SAFE Migration, IOM Dhaka; **Md Abdul Hannan**, Managing Director, Bangladesh Overseas Employment and Services Limited (BOESL)*

Ms. Christina Burwell opened the session by stating the first session's aim, which is to look at the basics of ethical recruitment. She introduced Mr. Nilim Baruah, Senior Migration Specialist of the ILO Regional Office for Asia and the Pacific.

INTERNATIONAL STANDARDS ON RECRUITMENT: Private Employment Agencies Convention 1997 (No. 181) and ILO Multilateral Framework on Labour Migration

Mr. Nilim Baruah, Senior Migration Specialist, ILO Regional Office for Asia and the Pacific

Mr. Baruah presented an overview on international conventions and frameworks related to ethical recruitment by discussing ILO Convention No. 181 (C181) on private employment agencies and the ILO multilateral framework on labour migration. He also discussed the role of private recruitment agencies in Asia and the conditions of migrant workers, including their vulnerability to abuses, like the charging of high fees and misrepresentation. He enumerated recommendations including the assessment of C181; the implementation of legislation of ethical recruitment through a consultative process with recruitment agencies, civil society organizations and international agencies; strengthening transparency in recruitment industry practices; and developing codes of conduct on recruitment; and setting in place complaint and support mechanisms. Finally, he enumerated several recommendations on improving recruitment practices, such as an conducting an assessment of the ratification of C181, regulating recruitment through legislation done via a consultative process, ensuring complaint and support mechanisms are in place, and developing and implementing codes of conduct in recruitment. (See presentation in Annex B, 1.1)



Mr. Rene Cristobal, ASPROE, Philippines



Ms. Christina Burwell, IOM, Facilitates Session 1

2008 COMMITMENT TO ACTION ON ETHICAL RECRUITMENT: Vision, Mission and Core Values

Mr. Rene Cristobal, President, Association for Professionalism in Overseas Employment, Philippines

Mr. Cristobal began his presentation by discussing the link between ethical recruitment to decent work and ethical employment, adding that by “ethical,” it is that which is legal and moral. Ethical employment is an effort by both destination and origin countries. For example, destination countries must help facilitate migration processes and origin countries must also help with reintegration support especially for returning migrant workers. Families of migrants must also be considered as stakeholders.

The association of land-based agencies in the Philippines signed a commitment to ethical conduct in 2012. The commitment to ethical conduct and best recruitment practices of land-based agencies recognizes agencies’ vital role in facilitating employment opportunities but also protecting overseas Filipino workers, as well as adhering to the rules and regulations of the POEA, national laws and international standards. Compliance for these agencies includes commitment to disseminate truth in advertising and publishing, to inform jobseekers about risks, to ensure that there is no discrimination, to promote training and skills with migrant workers (especially household service workers) and to participate in social dialogue with stakeholders. (See presentation in Annex B, 1.2)

A MULTI-STAKEHOLDER APPROACH TO ETHICAL INTERNATIONAL RECRUITMENT: The Case of the USA

Ms. Corazon Bautista, Chairperson, International Healthcare Corporation, formerly Global Care, and Member of the Board of the Alliance for International Ethical Recruitment Practices

Ms. Corazon Bautista and her representative began with a presentation showing a migrant's experience of recruitment. This was followed by a video presentation from the Alliance Education Series – with focus on a code for recruitment industries, which sets standards for ethical recruitment and best practices, and seeks to influence the recruitment industry by guiding them with ethical standards, using certification for ethical recruiters, implementing a monitoring program, among others. The video provides instructions on how the code can be applied and used for recruitment processes. (See presentation in Annex B, 1.3)

Responses from Recruitment Industry Delegates

Session facilitators turned over the floor to two recruitment industry representatives from Indonesia and Sri Lanka, who articulated their reactions and responses to the presentations.

Indonesia

*Mr. Abdullah Syakir Abdurahman
Coordinator for Training and Development Unit
Asosiasi Perusahaan Jasa Tenaga Kerja Indonesia / Indonesian Manpower
Services Association (APJATI)*

Mr. Abdullah Syakir Abdurahman said that he agreed with the points in most of the presentations, though he noted that in setting the minimum standards for workers, this is still a gray area, especially when it comes to passing English language tests and being able to communicate while they work. Another issue is international skills certification, especially for nurses. In Indonesia, the standard used for certification is not accepted in America or in Europe. This is a problem faced by recruitment agencies, and is partly based on language proficiency standards. It is difficult to arrange placements and to help Indonesian workers find special positions abroad when language training is being conducted in the receiving country. Sometimes agencies are also left to deal with complaints from outgoing workers on problems related to American or European visa issuance. The recognition of workers on strike is also another concern, such as when they get involved in propaganda and riots, which are contrary to local receiving country regulations. This becomes a problem for

middle agents and recruiting agencies. Mr. Abdurahman also said indirect recruitment is another issue. Licensed agencies have to follow all the rules, but there are also unlicensed agencies that use indirect (and non-documented) recruitment.

The issue of indirect recruitment must be discussed more intensively, he stressed. In Indonesia, there are two government institutions: the Ministry of Manpower and the government's placement agency. The dualism of rules from these two institutions can be hard to follow. Labour migration issues have become political issues as well, especially during elections. Some NGOs cooperate with politicians to stir issues, then they point the finger at agencies. Mr. Abdurahman said that licensed agencies in Indonesia can be punished directly when they cross ethical boundaries, but violations are often committed by the unlicensed agencies. Yet, licensed recruitment agencies are often blamed for problems.

He agreed with Mr. Cristobal, saying that most recruitment agencies in Indonesia do not charge fees to the workers. If, in some cases there are fees, these do not go beyond a month's salary and have government approval. He said processing costs should be decreased and should be done in the city of origin of workers, but they discovered that in Indonesia, the case is the opposite. Documentation for placement costs multiply instead. Decentralized governments have their own point of view and implement regulations their own way. It is said that processing is free, but in Jakarta, for example, the cost of processing can reach about USD 25. However, if processing is done in the city or point of origin, the costs can reach up to USD 100 to USD 150. (Ms. Burwell thanked Mr. Abdurahman and noted that during his reaction speech, many heads were nodding in agreement to his observations.)

Sri Lanka

Mr. Mohamed Faizer Mackeen

Secretary

Association of Licensed Foreign Employment Agencies (ALFEA)

Mr. Mackeen said that in Sri Lanka, there are already definitions (of ethical recruitment). For example, jobseekers must be citizens of Sri Lanka. Orderly management is practiced for recruitment, and also for combating child labour, forced labour, human smuggling, and trafficking. Legal complaints and how they should be handled were emphasized as well. Mr. Mackeen said that the handling of complaints should not be left to the government itself. Instead, a court should be established to attend to these concerns. Agents should also attend to these complaints. In Sri Lanka, there is legislation concerning all this. Jobseekers should also have the protection from the side of the client. Mr. Mackeen also said that it is equally important to look at how ethical conduct is

enforced on agencies. Advocacy of ethical conduct is good, but he said there is a need to understand how it should be enforced through a regulatory authority or by the association itself. Within the organization, there should be some means of control - how to control or regulate, and how to handle complaints. There should be a means of taking action against the unethical practices of the member recruitment agency, and a mechanism to report unethical practices to law enforcement authorities. He said these are being practiced in Sri Lanka.

In migration, it is an investment for the migrant worker, and it is very important for the employer to ensure that the work is done. There should be a certain limited and specified amount of fee charged, and this must be fair. One month's salary is okay, but sometimes, it is very difficult for the migrant to pay. He said there should be a certain methodology to add up how much should be charged, and this should be legalized. Receipts should be issued as well. Sri Lanka has not signed Convention 181 yet, though Mr. Mackeen said he sees this happening soon. He added that Sri Lanka's act was also enacted in 1985 – Bureau of Employment Act No. 21 of 1985 – and in that legislation, it was said that there should be a code of conduct established and enforced. So, recruitment agents adopting the code become involved in an umbrella organization and practice the code. With this, the implementation of the code in conjunction with the regulatory authority is made easier. Sub-agents working with agencies must also be affiliated and registered to the regulatory authority so that they can be monitored and held liable for actions such as overcharging. He ended by saying that Sri Lanka is also promoting migration policy and is forging ahead with promoting the code of ethical practice as an instrument for best practices to meet ethical, business and professional standards.

Open Discussion

Ms. Burwell said the responses have brought up many issues about ethical recruitment. She announced an open discussion for participants to ask questions from presenters and to also share some of their views on what has already been talked about.

Ms. Estrelita Hizon (Philippines) commented on Article 12, which is the allocation of responsibilities between private recruitment employment agencies and private employers. She suggested advocating on the sharing of responsibilities in the protection of the workers between sending and receiving countries, not only sending countries. She said, "In our country, we educate our workers, and we take responsibilities on doing all our parts. But there should also be a concrete mechanism from receiving agencies to educate their employers, too - at least with the humane treatment of workers." Ms. Hizon said that in the Philippines, cultural orientation as well as language and skills training are provided to workers. The recruitment

industry advocates the “no placement fee,” but she also said to let employers pay decent amounts to the agency, as per applicant received. She encouraged sending countries to urge their governments to forge bilateral agreements with receiving countries that will clearly include the protection of workers, especially household service workers (HSWs). This is something the Philippines has been doing. Regarding industry leaders of different associations practicing ethical recruitment, she urged them to influence other practitioners to guide them to follow suit and to encourage them to join their associations. This includes encouraging the membership of even the “bad eggs,” so these companies can be converted into engaging in ethical recruitment practices. She also said governments should give incentives to agencies doing exemplary recruitment practices, aside from punishing violators.

Mr. Madhu Pandit (Nepal) said he liked to ask Mr. Baruah on his recommendation (Point 6, no. 3 in his presentation) to “consider more options for matching employers and jobseekers, not only via private recruitment agencies, but also via public placement agencies, or directly via employer-worker (with labour attaché attestation where necessary).” Mr. Pandit said this is also being done in Nepal, on a personal basis. The government hires workers just like manpower agencies. In this regard, he asked Mr. Baruah if the work of recruitment is better done by the government or by manpower agencies.

Mr. Ali Haider Chowdhury (Bangladesh) commented on Mr. Rene Cristobal’s presentation, saying that he likes the idea of “ethical recruitment as ethical employment” as a guideline. He said that considering there are different stakeholders (migrant workers, recruitment agencies, governments), all must be in agreement with a unified law on recruitment practices. All responsibilities should be mentioned in this law.

Mr. Ahmad Ali Siddiqui (Pakistan) asked about the role of the IOM and ILO in manpower importing countries in the Gulf region, especially the Kingdom of Saudi Arabia, the United Arab Emirates and Kuwait. He asked whether these organizations have offices in these countries and if something is being done regarding the basic human rights of labourers.

In response to the question from Nepal, **Mr. Baruah** said he does not think the role of private employment and private recruitment agencies can be replaced because of large volumes of labour migration. It cannot be expected that public placement agencies can meet those kinds of volumes. However, there is definitely a case for more options available for jobseekers. For instance, Korea has introduced a program where the placement of workers is only done through public placement agencies, and the costs of recruitment according to their records have gone down. In Pacific Island countries, seasonal migration to New Zealand and Australia involves accredited employers doing the direct recruitment. He also cited additional examples. He reiterated that in these cases, recruitment costs have gone down, but

public placement agencies cannot replace private recruitment agencies because they cannot match those big volumes. There are also private recruiters who are also performing ethically, so there is no question of replacement.

Regarding the role of the ILO in the GCC countries, **Mr. Baruah** said these countries have ratified some of the fundamental ILO conventions related to forced labour, child labour and so on. There are complaint mechanisms to address malpractices. In the media, there has been a lot of attention towards migrant workers in Qatar, particularly high mortality and accident rates. This pressure on Qatar has come from the global unions and the International Trade Union Confederation (ITUC), which have focused on Gulf countries, particularly those that do not allow freedom of association or collective bargaining. It's the international trade unions that have taken up the issue of migrant workers in Qatar. The Gulf countries are also members of the ILO and are subject to supervising mechanisms and reports regarding their performance in relation to the conventions they have signed.

Mr. Rene Cristobal (Philippines) commented on government activities, saying that in the Philippines, there is delineation between government as regulator or practitioner. If the government will go into recruitment, it can be on a government-to-government basis. But now, he said, "we say that the recruitment agency of the government should not be the same agency doing the regulation and licensing." They must be different, because otherwise, they will be competing with the private enterprise. He added that in the Philippines, 90 percent of overseas employment is being done by private agencies. In the amended Migrant Workers Act, if a private agency commits a violation, not only are the stockholders and officers held criminally liable, but the employee of the agency can also be subject to criminal action. Another amendment states that this also applies to government employees. Government employees and officials are prohibited from directly or indirectly going



Open Discussion

into recruitment services because it is a conflict of interest. He said that in order to do ethical recruitment, there must be laws. Otherwise, there is no point of reference. In the Philippines, the Migrant Workers' Act has been amended twice to make the rules tighter, not just for private employment agencies but also for government employees and officials. The law also enumerates illegal and/or prohibited acts.

Ms. Burwell said that regarding the IOM's capacity in the Middle East, there is an IOM project being done with migrant workers, which could be discussed later on.

Mr. Md Abdul Hannan then summarized the key presentation and discussion points in the session, as well as the main issues raised during the open discussion.

SESSION 2: MERGING TRENDS AND REALITIES IN RECRUITMENT

*Co-facilitators: **Yuko Hamada**, Senior Regional Labour Migration/Migration & Development Specialist, IOM Regional Office for Asia Pacific; **Ms. Mai Thuy Nguyen**, National Programme Coordinator, ILO Viet Nam*

Ms. Yuko Hamada opened the second session with a brief review of the previous session, after which she introduced Mr. Philip Martin to deliver a presentation on current labour market and recruitment trends.

Labour Market Realities and Recruitment Trends

***Mr. Philip Martin**, ILO Consultant, University of California - Davis*

The first presentation provided an overview of labour migration flows, drivers that motivate migration, as well as recruitment trends (recruitment within and over borders), showing selected statistical data. Mr. Martin said that the recruitment industry is large and is growing, and that recruiters today are diverse and have many roles. Policies play a huge role. The regulation of recruiters involves identification and licensing, and setting rules, bonds and incentives, among others. Ethical recruitment codes encourage recruiters to comply with rules and regulations, though they are most likely to abide if this would yield more revenues and profits, and other rewards. Challenges recruiters face today were also discussed, from job matching and labour shortages to costs and disputes.

The presentation posed several questions on the future directions of the recruitment industry, such as whether recruitment should be subsidized instead of taxed. A key point raised was that improving the recruitment industry requires turning recruiters from agents or brokers into partners of employers and workers, as well as partners in development. If recruiters could go beyond being agents of job matching and to act as partners in development contributing to positive outcomes, this could change the mentality, thinking and reputation of the recruitment industry. (See presentation in Annex B, 2.1)



Mr. Manuel Imson, ILO; Mr. Philip Martin and Mr. L.K. Ruhunage, ILO Consultants

Asian Labour Migration Trends and Labour Mobility in ASEAN Economic Community

Mr. Manuel G. Imson, *Senior Programme Officer and Project Coordinator, ILO ASEAN Triangle Project, Bangkok*

This presentation discussed ASEAN labour migration trends, including drivers of migration and labour shortages, and provided a survey of labour migration statistics such as migrant flows and stocks, as well as remittance flows. The main directions and flows of labour migration in Asia were described in three folds: intraregional (Asian, Southeast Asian and GCC countries), within ASEAN (about four countries in ASEAN are receiving countries in the region and the rest are sending countries), and labour migration in East Asia (workers coming mostly from Southeast Asia).

In discussing labour mobility in the ASEAN Economic Community (AEC), which focuses current efforts on highly skilled labour mobility, Mr. Imson updated the audience on ILO initiatives concerning the mobility of less-skilled workers. He discussed tools for facilitating free skilled labour mobility in ASEAN, particularly the Mutual Recognition Arrangements (MRA) for recognizing professional qualification, and the ASEAN Qualification Reference Framework (AQRf). It was concluded that the AEC free labour mobility does not relate to less skilled workers, and that MRAs do not guarantee access to labour markets. Mr. Imson said the ASEAN's ability to manage labour mobility will determine the region's capacity to harness the full benefits of migration. Increased labour mobility in ASEAN nevertheless justifies more attention to regional approaches on labour migration, requiring more high-level meetings with governments, unions and employers. (See presentation in Annex B, 2.2)

Different Types of Recruitment Regulation Regimes

(Review of country-specific regulatory and policy frameworks related to the international recruitment industry and identifying best policy options and mechanisms to ensure exemplary behaviors of recruitment agencies)

Mr. L. K. Ruhunage, *Consultant on Labour Migration/Former Addl. General Manager – Sri Lanka Bureau of Foreign Employment, Colombo*

Mr. Ruhunage's presentation enumerated common issues in the recruitment industry and provided a detailed survey of best and ethical practices on labour migration arrangements in sending and receiving countries. He stated the importance of upgrading relevant national laws and policies, as well as regulatory and institutional arrangements. Other examples of practices cited included the use of licensing and grading for agencies, information dissemination on safe migration, job verification and compulsory training for workers and systematic approval and procurement processes.

Recommendations brought up in the presentation included the following: to review policy gaps and to address those gaps by individual sending countries; to develop inter-cooperation among recruitment associations locally and internationally; to encourage recruiters to be more concerned about the costs of migration; to include incentives in recognizing the services of recruitment agents; to disseminate information on safe migration and provide training on ethical recruitment practices; to involve recruitment agents in policy-making dialogue. (See presentation in Annex B, 2.3)

Review of Codes of Practices on Ethical Recruitment of Health Professionals: Preliminary Results

Ms. Jennifer Frances de la Rosa, *National Project Coordinator, ILO-Decent Work Across Borders, Manila*

Ms. de la Rosa discussed the background and objectives of ILO-Decent Work Across Borders (DWAB), which focuses on highly skilled workers in the health care sector. She presented key findings from a review of policy instruments on ethical recruitment in terms of design and implementability. These policy instruments included codes, frameworks, guidelines, and commitments.

The study found that there are many types of ethical recruitment instruments and different interpretations of ethical recruitment. This stressed the need to agree on a common definition of ethical recruitment. It was also found that not all principles behind policy instruments on ethical recruitment are implementable or translatable to operational provisions. Ms. de la Rosa recommended that best practices and tools on ethical recruitment should

be documented and disseminated. In addition, systems supporting the implementation of codes (monitoring, evaluation, feedback) can be developed. (See presentation in Annex B, 2.4)

Responses from Recruitment Association Delegates

India

Ms. Suchita Dutta

Executive Director

Indian Staffing Federation

Ms. Dutta said that she agrees with all the presentations that accurately showed current labour market trends and realities. At the same time, from the recruitment industry and staffing industry, she finds a lot of problems in the current situation. While a lot of issues look at the migrant's, the client's and the government's perspectives, in the end, the recruitment and staffing industry is held as the most responsible body. For Ms. Dutta, the licensing process is coming into play. It is helping provide incentives and also punishes agencies that are not complying. The challenges are mostly occurring in places where the licensing process is not set in place, or is not a hundred percent ethical. Ms. Dutta shared the experience of the Indian Staffing Federation and the 35 member-companies they work with. These top-notch companies, she said, are compliant because the federation helps them with auditing processes. They also follow the ethical code of conduct, which includes charging matters, privacy and due diligence processes, and auditing, among others. Observed challenges include: the timeline of the implementation of all rules and regulations, the audit processes set in place, which are penalizing more larger entities than actually catching the people who are causing the problems; and the measures to fill the gaps, which are still in the design process (there is still no uniformity in the design process and it is not coming to the fore as a practical solution to the situation). She added the challenge of creating transfer and send data and making these available online – certain places have these, others do not.

Thailand

Mr. Somsak Sooksombatisatian

Advisor

Thai Overseas Manpower Association (TOMA)

Mr. Sooksombatisatian thanked the organizing committee for including the TOMA in the second regional conference of the AAA-OESP. For his response, he presented background information on the TOMA and the mechanisms that ensure ethical recruitment in Thailand, as well as emerging trends concerning labour migration to Thailand.

Created in June 2003, the TOMA is part of the AAA-OESP and subscribes to the alliance's vision, mission, and core values. The association as of December 2013 has a total of 106 members, a large share out of the total 179 recruitment companies in Thailand. Those who are not members are sister-companies of member-companies.

Mr. Sooksombatisatian said the association members are committed to providing recruitment services and serve fellow workers from Thailand and other workers from other countries. He said the TOMA promotes a highly ethical framework with a commitment to carry policies while maintaining accountability and integrity in ethical recruitment. The association also has a code of conduct that emphasizes the members' responsibility for workers and to maintain integrity. He added that through corporate membership, the TOMA is committed to a code of professional practice that represents the best interests of their kind and encourages members to serve in good faith and to have responsibility to both the industry and the community.

Regarding emerging trends, he said that Asia remains the major market of overseas employment for Thai workers, with many of them working in refineries, power plants and factories in the following countries: Singapore, Malaysia, Myanmar, Laos, Vietnam, Taiwan, Korea, and Japan). However, Thailand is also currently seeing a decline in the number of Thai labour migrant workers for various reasons, such as low unemployment rates and minimum wage increase in the country, limited English ability for upper level employment abroad and new channels for entrepreneurship and income-generation. At the same time, there is still a shortage of skills in local industries in Thailand, and so the country continues to bring in migrant workers. Mr. Sooksombatisatian said Thailand has to bring in around two million documented workers, while there are an estimated one million undocumented workers in the country. Most of these workers come from Laos, Cambodia, and Myanmar. There are also some 60,000 undocumented migrant workers from Vietnam.

Under the Recruitment and Job Seekers Protection Act (B.E. 2528) of 1985, licensed private recruitment agencies must be registered with the Thai Overseas Employment Administration (TOEA), to ensure that the collection of commission from workers is in accordance with the law and that receipts are issued upon payment. Recruitment agencies are required to follow a checklist of requirements from the Department of Employment (DOE). Aside from this legislation, the DOE also uses the following strategies to combat malpractices and high recruitment costs: punishing agencies charging excessive commissions, setting up provincial offices, sending volunteers to check recruitment situations in districts and villages, as well as establishing an online complaint system.

The TOMA also engages in activities promoting ethical recruitment, such as participating in workshops organized by the ILO, IOM and DOE, signing the 3rd August Declaration of 2010 (87 recruitment agencies participated and signed this declaration), and signing an MOU with the Ministry of Labour to engage in recruitment for the Taiwan market. (See presentation in Annex B, 2.5)

Ms. Hamada observed that the discussions definitely show some key issues and policies, and posed a question to the participants on what they would like to take home from this regional conference. She said she agrees with Mr. Cristobal, who said that ethical recruitment should begin from home.

Open Discussion

Mr. Venkataswamy Kuruva (India) raised a clarificatory question in response to Dr. Martin's presentation, particularly the point concerning subsidizing the recruitment process rather than taxing it. He asked whether Dr. Martin's idea of "subsidizing the recruitment process" means subsidizing the employer and the costs incurred in recruitment, or if it means subsidizing the costs for jobseekers in countries of origin. Mr. Kuruva also asked Mr. Imson for suggestions on the extent to which support can be given to good and improving recruitment agents. He noted that it has been easy for people, including governments, to blame recruitment agents whenever there are unwanted or unforeseen occupational or work-related accidents that harm the worker in the destination country.

Dr. Ir. Haposan Saragih (Indonesia) introduced himself as part of the National Board for the Placement and Protection for Indonesian Overseas Workers (BNP2TKI), which conducts G-to-G placement. He said that in meeting the demand for workers placed by private agencies, only two percent is done by government. In Indonesia, there are around 500 private registered agencies working to place and send about 600,000 Indonesian workers abroad every year. Of that estimated total, government handles only two percent, especially placing workers to Korea, Japan, and East Timor. He said it is important for private agencies in Indonesia to conduct ethical and professional recruitment. He said his government agency is already doing this. However, many private agencies are not, because they mainly focus on profit, and do not think about the workers as human beings. He said after this conference, he could perhaps explain to his office what ethical and professional recruitment practices should be done by private recruitment agencies. Some agencies are good and do engage in ethical practices, he added, but most are not.

Ms. Estrelita Hizon (Philippines) commented on Ms. de la Rosa's presentation, particularly the point on the lack of knowledge of migrant workers regarding overseas employment processes, such as where they are going to work. Pre-

departure orientation seminars are also being done in the Philippines, but these are conducted towards the end, when the workers already have their visas, processed contracts and are about to leave. In this case, there is no more turning back.

To address the concern of Ms. de la Rosa, Ms. Hizon proposed a mandatory pre-employment orientation seminar, which can be done before the job interview and where the agency can be transparent about the work entailed. This seminar can also be done in the presence of parents, husbands or heads of families so that they will know about their relative's conditions abroad and to take care of the hard-earned money they may receive from the migrant. Agencies should also be very transparent in conducting this pre-employment orientation seminar, especially if the destination countries are in the Middle East, where the conditions are different from the Philippines. Experiences, for instance, show that female employers in the Middle East can speak in a very loud voice, even if they are not angry, but in the Philippines, Filipinos only shout when they are angry. Applicants should know this because in some cases their family members and relatives have never shouted at them, and so they might not understand. Ms. Hizon emphasized this early orientation seminar so that the workers still have the option of not leaving.

In response to the presentation concerning improving the image of recruitment agencies, Ms. Hizon said this is also the dream for recruitment firms in the Philippines. The answer for her is the media, which is a huge factor. She said sometimes the media can be a problem, especially when the only stories published are negative ones. At times some stories are sensationalized. Ms. Hizon said this is the reason the recruitment industry must also influence the media to consider covering success stories as well. In the Philippines, many recruitment agencies engage in corporate social responsibility to different selected areas, so that the media and the public will also know that the industry is not only after profit. Ms. Hizon added that the recruitment industry should also influence government officials and lawmakers to change their mindset about recruitment agencies. With the unethical practices of some recruiters, policymakers end up creating laws to address those actions, but these laws also, in turn, affect other recruitment agents who are conducting legal practices. Ms. Hizon said this happens because of the inability or weakness of the government to catch illegal recruiters, and also because it is easier to trace legal and registered recruitment firms. She ends by encouraging recruitment agencies to work harder in changing the mindset of the government regarding creating policies, which she acknowledges is also gradually happening already.

Mr. Martin responded by saying temporary labour migration (in almost every country, whether sending or receiving) was never intended as a 40 or 50-year process. In many cases, it began as something short-term to cope with high oil prices and high unemployment in the 70s, or the building boom in the Middle East. That is why things started not with ministries of employment, but with small agencies. He stressed that this industry grew up without a plan, and it was only later that it

evolved and government came in to start regulating it. Now, government is moving in to create ministries, but the policies still tend to be ad hoc, and are mainly driven by negative images of the industry. He added that the history of making money from matching workers with jobs has always been looked at skeptically. It has never been an industry that is regarded as a good job for people to get into – it has always been looked at a little suspiciously. The industry is going to grow, not shrink.

Mr. Martin said that perhaps the recruitment industry can change its mindset from something that just has to abide by the code of ethics or be driven out of business. Labour migration generally benefits the migrant, the receiving country and the sending country. If that is correct, then instead of looking at recruitment industry as a necessary evil that will eventually end and look at it as an integral part of development, this can lead to a switch from taxing to subsidizing. An example is the Internet. In many countries, the Internet was not taxed for around 10 to 20 years to help it grow. The idea was that there is a need to help an important industry grow. Dr. Martin also emphasized switching the message from recruiters as necessary evils to recruiters as partners in development.

Mr. Imson said that generally, it is recognized that labour migration is here to stay and that perhaps it will grow at an increasing rate not only within the ASEAN region but also globally. However, it is also a fact that private sector participation dominates this program. There is talk of government-to-government arrangements and MOUs, but history shows that in some countries, including the Philippines, this is not the most effective way to capture an effective program for labour migration. It is still the private sector that has a major role in this. There is also a need to recognize that the private sector will continue to be a regulated industry, in any country. There is a need to try and gain the trust and confidence of government and stakeholders, to put the recruitment agency in a win-win situation. He added that perhaps one way is to learn how to professionalize a recruitment agency's ranks, agree on a shared responsibility to faithfully adopt codes of conduct and practice ethical recruitment every step of the way. Mr. Imson also agreed with Dr. Martin's emphasis on developing an image for recruiters as partners for development, and as catalyst for development.

Mr. Ruhunage responded to the comment on the creation of a pre-departure orientation. He said that rather than a pre-departure orientation, what is needed is an awareness-raising campaign on safe migration. Pre-departure training must be oriented directly for selected candidates or else it will be a waste of funds and time. In Sri Lanka, training programs are managed a hundred percent by government, unlike in other countries where these programs are also conducted by private recruitment agencies. In Sri Lanka, training programs are handled by government and the foreign employment bureau, and these include periodical inputs from the ILO and the IOM. This good example must also be considered and practiced by sending countries.

Mr. Baruah said it is widely recognized that the migration recruitment cost is too high. Earlier, the remittance cost was too high, and there were companies like Western Union and Money Gram who would have continued to charge these fees, but they now have had to reduce due to many reasons, including competition. In some migration corridors, recruitment or migration costs are too high and can be brought down. If brought down, then the money remains with the migrant or with the family, and there is a development benefit to that. On the comments regarding the code of conduct – he reminded participants to bear in mind the “binding or non-binding” distinction when discussing codes and conventions. ILO conventions are binding, and are not codes of conduct. When there is a global agreement, like an ILO convention or a WHO code of practice, these are negotiated instruments. These are negotiated between countries of origin and destination, trade unions, governments and employers. A perfect instrument therefore cannot be expected because there is a give-and-take process of negotiation. The result is a consultative instrument, or an instrument created out of a consultative process. This is how such instruments should be understood. He also said that even if one has the best ethical code of conduct, implementing the code is another matter. National legislation is therefore necessary. In some countries, national legislation is not even properly set in place. So, national legislation and enforcement mechanisms are important starting points.

Ms. Hamada observed that many different points were raised by participants, but announced that the time is up. She then asked Ms. Mai Thuy Nguyen to summarize the key discussion points during the session.

SESSION 3: FOSTERING AN ENVIRONMENT CONDUCTIVE TO ETHICAL RECRUITMENT

*Co-facilitators: **Catherine Vaillancourt-Laflamme**, Chief Technical Adviser, ILO Manila; **Mr. Venkataswamy Kuruva**, General Manager, Department of Employment and Training, Government of Andhra Pradesh-India, Overseas Manpower Company of AP Ltd (OMCAP), India*

Ms. Catherine Vaillancourt-Laflamme began the session by saying that earlier discussions involved ideas concerning how an organized recruitment industry at the national, regional, and international levels can help recruitment agencies showcase a better image, and eventually outrun the negative impacts of unscrupulous recruitment agencies. Session 3 continues this discussion by showing models of organizing the recruitment industry that present how ethical practices can be done concretely.

She then introduced the first set of panelists for the afternoon session: Deputy Administrator Liberty Casco, who has been a labour migration advocate and a project partner for the ILO; Mr. Steve Shepherd, who is a board member of the CIETT; and Mr. Nguyen Luong Trao, from the Vietnam Association of Manpower Supply (VAMAS).

GOVERNMENT INITIATIVES ON THE PROMOTION OF ETHICAL RECRUITMENT: The Philippine Experience

***Ms. Liberty Casco**, Deputy Administrator and Officer-in-Charge, Philippine Overseas Employment Administration (POEA)*

Ms. Casco began with an overview of labour migration trends from the Philippines, followed by the Philippine government's policy framework on managing migration, which she said emphasizes the protection and welfare of migrant workers throughout the labour migration cycle and aims to maximize gains and reduce the costs of migration. She enumerated government policies that aim to regulate recruitment agencies, such as: developing a policy framework (e.g., Migrant Workers and Overseas Filipinos Act of 1995); implementing rules and regulations on recruitment, conducting monitoring and evaluation; providing recognition and incentives; and setting up agency certification and placement fee policies.

The Philippines faces the challenge of ensuring full compliance of employers and licensed recruitment agencies. The government is thus pursuing the signing of bilateral labour agreements, the ratification of international

conventions and the adoption of the multilateral framework on promotion of ethical recruitment.

Recommendations included the following: Review rules and regulations on the recruitment and employment of migrant workers; to continue strategic partnerships with countries of destination and international cooperation at bilateral, regional and multilateral levels; and to support projects of international organizations on the promotion of ethical recruitment, such as the IRIS. (See presentation in Annex B, 3.1)

The Voice of Ethical Recruitment

(Delivering Ethical International Recruitment – The Challenges and Opportunities)

Mr. Steve Shepherd, *Employment Market Analyst and Group Director – Public Affairs Asia Pacific, Randstad, and Board Member, Southeast Asia, Australia and New Zealand for the International Confederation of Private Employment Agencies (CIETT)*

Mr. Shepherd introduced the International Confederation of Private Employment Agencies (CIETT), a global federation representing the private employment services industry, with members from several countries. It is recognized by international organizations and national governments. He discussed CIETT's long-term objectives, key roles (advocating, capacity building and educating) and its commitment to ethical recruitment through the confederation's code of conduct.

Mr. Shepherd said that not charging fees to jobseekers prevents abuse, and that social dialogue is significant in promoting a better, positive image for the industry and in improving ethical recruitment regulation. To develop strong national associations and to promote ethical practices, it is important to better organize private employment agencies within the industry, to form a strong regional group of federations working collectively with the same goals, to further ratify or adhere to C181 and other conventions, and to share and exchange knowledge and research. (See presentation in Annex B, 3.2)

COC-VN and the Implementation of Commitment on Moral Recruitment in Vietnam

Mr. Nguyen Luong Trao, *President of the Vietnam Association of Manpower Supply (VAMAS)*

The presentation introduced the Code of Conduct for Vietnamese licensed enterprises (COC-VN), a tool for implementing moral recruitment and building a good trademark. Mr. Trao talked about the contents of the COC-VN, its

implementation and the monitoring and evaluation activities that took place from 2012 to 2013. A points and ranking system for assessing the performance of enterprises was presented as well.

For monitoring and evaluation, information dissemination through media and training workshops were conducted for leaders and staff of enterprises and also for officers in charge of the provincial offices of the Department of Labour, Invalids and Social Affairs (MOLISA).

Activities for the implementation of COC-VN attracted cooperation from both government and enterprises. Enterprises actively participated by carrying out internal monitoring and evaluation, and have shown positive initial changes in observing rules and regulations. For recommendations, regularly strengthening monitoring activities, asking workers to fill out exit surveys for evaluation and sharing patterns or models of good practices to encourage better performance were suggested. (See presentation in Annex B, 3.3)

Recruitment Industry Reactions

***Mr. Venkataswamy Kuruva** introduced reactors from the recruitment industry, particularly representatives from Pakistan and Nepal.*

Pakistan

Mr. Ahmad Ali Siddiqui

Chairperson, Pakistan Overseas Employment Promoters Association (POEPA), Pakistan

Mr. Siddiqui first greeted members of the regional conference and thanked the IOM and the ILO in organizing this event. Mr. Siddiqui said that after receiving the invitation to this conference, he met with the executive board and members of the POEPA to talk about the situation of the recruitment industry in Pakistan. He enumerated the problems faced by recruitment agencies in Pakistan, which were discussed and identified during the meeting: low basic salaries of workers especially those employed in the Gulf region; the violation of employment contracts from the employer's side, including delayed payment of monthly basic salaries, non-surrender of medical insurance and violation of basic human rights; the issue of Gulf Cooperation Council (GCC) – Accredited Medical Clinics Association (GAMCA), which especially relates to the Kingdom of Saudi Arabia; and the lack of proper technical training of outgoing workers from all sides.

Mr. Siddiqui said participants in the meeting expressed a desire to implement the minimum basic salaries of migrant workers in countries of destination. He noted that this is a difficult task but not impossible. He suggested

that the IOM and the ILO play their role in GCC countries, especially concerning the violation of employment contracts occurring in the region. The third issue is GAMCA, which he said is a big source of corruption especially in Pakistan, India, Bangladesh and Indonesia. In Pakistan, GAMCA-approved medical centers “are making money like they are drug smugglers and sellers,” Mr. Siddiqui said. These medical centers are using an umbrella comprising health ministers and medical centers in GCC countries, with no one to challenge them at any level. Their word is final - if a worker finds the GAMCA criteria unfair, he has no means of challenging them. Some may be compelled to resort to underhand dealing. This corruption raises costs up to USD 500 to USD 1000. He requested that the IOM and the ILO take note of this “monopoly in GAMCA,” which is operating in KSA.

Nepal

Ms. Subarna Shrestha

*Ex-member, Nepal Association of Foreign Employment Agencies (NAFEA),
Nepal*

Ms. Shrestha said she is very pleased with the discussion on the minimum employment standards for migrant workers. She noticed a mention of the recruitment fee, which often takes one month’s worth of salary from the migrant. However, she said this could be unfair to the worker depending on his or her salary. She suggests that it is better to “categorize” how much will be charged to the workers. Ms. Shrestha proceeded to sharing with participants some issues related to the recruitment industry in Nepal. In Nepal, there is a very long recruitment process that requires many approvals from the government. These approval and document requirements – from pre-departure orientation, medical tests, final approval, and many others – become a problem for the workers. She said she hopes that the IOM and the ILO will take a step in minimizing this process. Another problem is the lack of criteria to penalize agencies, and discussion concerning this problem is needed.

Open Discussion

Ms. Nurul Qoiriah (IOM Indonesia) asked a question directed at Mr. Trao concerning the recognition component in the monitoring process he discussed: “Is the ranking used in the monitoring process recognized by government?” She also asked if this ranking has had an impact on recruitment agencies in gaining trust from the government and the public. She added that it would also be interesting to find out the contributing factors that motivated the recruitment agencies to participate in the monitoring process.

Ms. Qoiriah asked Mr. Shepherd about social dialogue, particularly if he can share any success stories so that the conference participants can learn more from him and take note of good practices. She also raised a question on dealing with multiple procedures in the labour migration process. She commented that in Indonesia, employment agencies have to follow so many rules and regulations, that sometimes it becomes impossible or difficult to follow all the steps. Many recruitment agencies have complained about this. The problem has also been identified in capacity assessments looking at monitoring processes. She asked Mr. Shepherd what could be advised regarding such difficulties.

Mr. Abdullah Syakir Abdurahman (Indonesia) asked Mr. Shepherd about the chief code of conduct in providing access to training, and whether the training should be provided in the point of origin or in the destination country. He also proposed improving the quality of the G-to-G program because he said this would be easier, as recruitment would be conducted between two governments.

Mr. Mohamed Faizer Mackeen (Sri Lanka) asked Deputy Administrator Casco and Mr. Trao about the punishments or disciplinary actions taken against violations of codes of conduct. He asked about how these regulations are effectively implemented and how violators are punished in the process of monitoring implementation.

Mr. Shepherd said that certainly, there are a number of success stories related to social dialogue. He recalls the case in Europe, wherein an ad campaign provided social benefits and welfare to those working in temporary and insecure forms of work. He also cited the case of the Pacific Island seasonal worker program that exists between Pacific Islands and Australia and New Zealand. Recognizing significant unemployment in the Pacific Islands, this brought governments together to work with industry associations in Australia and in New Zealand to craft a program. There



Session 3 Open Discussion

was a lot of consultation during that process, and an example of social dialogue was engaged. However, this was not taken into account by the government at the time. They implemented the seasonal worker program, and even though the federation recommended an ethical code of conduct that included the issuance of licenses for members abiding by the conduct, the government did not take it into account at that time. Within two months into the program, problems ensued, with many seasonal workers ending up losing their money or getting stranded in Australia. The government realized then that they should regulate and recognize federations' code of conduct as legitimate. He said other examples are available and can be discussed later on after the open discussion, such as private and public cooperation in the UK, and the cooperation between public sector employment and the private market.

Mr. Shepherd commented that "too much regulation" becomes an issue when people start to regulate the recruitment industry without thoroughly understanding it, and when there is no social dialogue going on. That is a challenge when setting up a local federation - helping policymakers understand the way the industry workers. He added that the one percent of the examples of abuse that make the press is often used to generate regulations.

Regarding the subject of training, Mr. Shepherd responded by saying that they are working closely with the ILO training center and developing capacity for medical staffing federations. The ILO, he said, has a good training program that can deliver. It is also a case of them helping federations to understand issues and to learn more about best practices from around the world. He noted that the problems cited so far in the conference are actually the same problems encountered in other countries. As regards to the issue on finding a definition of ethical conduct, Mr. Shepherd said they are working with the ILO and the ITUC to determine a common definition of ethical recruitment.

Ms. Liberty Casco responded to the questions by first clarifying that the code of ethical conduct mentioned in her presentation refers to the voluntary code of conduct recruitment agencies associations have forged recently with the POEA. This is the new approach for staff regulation, which also aims to help government enforce and monitor recruitment activities vis-à-vis ethical recruitment. However, there is still a gap – monitoring mechanisms still have to be developed, such as assessing the effectiveness of these codes of conduct or commitments. She suggests that perhaps existing models can be considered, such as the one mentioned by Ms. Bautista on the alliance for ethical recruitment where they conduct confidential surveys. She also mentioned the use of a database that stores track records of recruitment agencies that are members of these associations that have signed the code of conduct. This will help check whether the agencies are "walking the talk" and if their commitments are reflected in their performance. Lastly, she said the POEA is also looking forward to exploring other approaches, such as the international recruitment integrity system or IRIS.

Mr. Nguyen Luong Trao (Vietnam) (via interpreter) responded by first introducing the tools used for monitoring. Three scoring tables were developed for this process. The first shows the maximum points given to recruitment agencies that follow the best principles. Marks are given for every principle, and the number of points given depends on the importance of the principle. Points are deducted for violations.

For example, if the principle on the protection of migrant workers is violated, points will be deducted. Bonus points are added for initiatives for protecting migrant workers. The bonus points will depend on the level of the initiative. The scores of each recruitment agency are then consolidated and divided according to levels of compliance. The involvement of the recruitment agency in this process is voluntary. Participating recruitment agencies are ranked, and these rankings are later publicized. Mr. Trao said the ranking can be a basis for improving the business. A high rank means the recruitment agency will be more known and recognized for its good performance. If an agency retains its rank, it may be exempted from some procedures over time.

Ms. Estrelita Hizon (Philippines) asked if the “joint and solidarity liability” is being practiced not only in the Philippines but also other countries, particularly those represented in the conference. She explained that the joint and solidarity liability means that the agency takes full responsibility for workers’ claims in the event that the employer does not follow what is stipulated in the contract, such as the non-payment of salaries and not providing a return ticket to the employee after the contract period.

Mr. Ricardo Casco contributed to the concern raised by the Pakistan delegate by saying that the issue about GAMCA was very hot in the Philippines about two to three years ago. However, sectors including recruiting agencies eventually worked it out with the Senate. As a result, in the amendment of the migrant workers’ law, there was an included provision stating that there should be no monopoly in providing clinical services to migrant workers. Monopoly does not encourage healthy competition and quality services.

Mr. Rene Cristobal shared that in the Philippines, the agreed-upon preamble is that overseas employment is for the alleviation of poverty and to improve the quality of people’s lives. In the Philippines, 50% of total families are getting less than USD 2 per day. Many of the applicants for overseas employment are women, and many of them are poor. Mr. Cristobal then directed a question at Mr. Trao: “Why don’t we try to segregate women and children [from] professional and skilled?” He said professional and skilled workers do not really need monitoring or protection, because they can protect themselves – they know their work and know what they can do. He stressed the need to address the conditions of poor women, especially those who are going to work in households, in plantations and in manufacturing, where

jobs are demanding, dangerous and dirty. He went on to ask if the government of Vietnam can make this a placement activity, by helping the poor and not charging them, since they are often the ones being charged with high fees even though they receive low salaries. He asked if Vietnam would be willing to subsidize these poor women so that they would not be burdened with placement fees.

Mr. Trao responded by saying that the government actually has plans to support the poor and ethnic minority poor. The government provides support for the fees workers have to pay especially for language and pre-departure orientation training. For air tickets and recruitment charges, the government has a policy of allowing loans with low interest rates.

Fr. Graziano Battistella (Philippines Observer, Scalabrini Migration Center) said that he has been listening and reflecting on the whole discussion, and what the project is all about. There are some things that attracted his attention, such as the term “ethical.” He said that it is already acknowledged that there is no common definition of what ethical recruitment is, and so the discussion of what is ethical is not so clear. He asked, “What kind of ethics are we talking about? Ontological ethics and theological ethics? In the end, what is it going to be? Procedural ethics? I am just making these reflections because I want to understand whether this initiative is going to be successful.”

He also commented on the use of the word “breakthroughs,” saying that he is curious on what the breakthroughs will be regarding ethics. He observed, however, that nothing has been said on what is not ethical. He added, “Can anyone explain to me on what is unethical? What is being done right now? Because if we do not know what is not ethical, how can we say what is ethical?” He suggested an engagement in discussing this matter.

He observed as well that while there is a good representation of people committing to the alliance, there is also an important but missing component – the recruiters of the other side, of destination countries. He raised a question: “Can recruiters from countries of origin afford to be ethical without any dialogue with recruiters of destination countries?” He said that perhaps something should be added into that regard.

Finally, he highlighted that the migrants are missing in the discussion, and that it is important to ask migrants themselves on what they think is ethical, what their perspectives are and what they want. He said it would be good to see them as part of the discussion.

Mr. Kuruva added to the discussion by reiterating the emphasis on the overseas employer or recruiting agent in the destination country as a critical component. He said that it is important to address their expectations as well. Mr. Kuruva said that in

2011, they conducted an overseas employment conference and invited employers from Gulf countries, as well as from Singapore and Malaysia. Overseas employers were open to expressing their expectations of governments concerning skills, testing and certification, among others. The Indian government has taken steps in that regard. Recently, in 2013, the second overseas employment conference was held in Dubai and employers expressed that what they want to recruit are tried, tested and certified workers. If the origin country will supply tried, tested and certified manpower, they would be more willing to recruit.

Mr. Casco closed the third session and the first day of the conference. He also announced the distribution of the working draft of the outcome document for participants to review and to eventually sign towards the end of the event. For the five countries identified earlier, to have a meeting after the session later to discuss the working draft of the outcome document. Participants are also free to provide inputs to the writing committee.



Outcome Document Drafting Committee

CONFERENCE DAY 2

April 2, 2014

SESSION 4: PROMISING PRACTICES IN ETHICAL RECRUITMENT

*Co-Facilitators: Ms. Nurul Qoiriah, National Programme Officer, IOM Jakarta;
Dr. Ir. Haposan Saragih, MM, Director of Government Placement Services, National Board for the Placement and Protection for Indonesia Overseas Workers (BNP2TKI), Indonesia*

The second day of the regional conference began with a recapitulation of the previous day, as summarized by Mr. Khair Mohammad Niru (Director General, Manpower and Labour Affairs Regulation; Ministry of Labour, Social Affairs, Martyrs and Disabled, Afghanistan). The recapitulation enumerated key points of the presentations and the open discussion across the first three sessions, including main issues and themes tackled by the participants (See "Recapitulation of Day 1" at the end of this section).

Mr. Casco announced the start of Session 4: Promising Practices in Ethical Recruitment, which covers six presentations. To begin the presentations, co-facilitator Ms. Nurul Qoiriah introduced Mr. Federico Soda to talk about the International Recruitment Integrity System (IRIS). She also enumerated the succeeding country presentations by representatives from the Philippines, Bangladesh, Afghanistan, Thailand and Finland.

INNOVATIVE APPROACHES TO INTERNATIONAL ETHICAL RECRUITMENT: International Recruitment Integrity System (IRIS)

Mr. Federico Soda, Head, Labour Migration and Human Development, Department of Migration Management, IOM Geneva

In this presentation, Mr. Soda first talked about the costs of unethical recruitment and the ongoing convergence of efforts to promote fair recruitment. This global problem highlights the link between integrity and the migration process, and the need to adopt a systematic solution that is operational in practice. Recently, the IOM and the International Organization of Employers (IOE) announced the Public and Private Alliance for Fair and Ethical Recruitment initiative, which is open to all stakeholders committed to innovative approaches in addressing unethical recruitment especially in supply chains. The alliance, comprising of like-minded partners, aims to develop a platform and produce practical tools for governments and companies to ensure ethical recruitment.

This will be done through the implementation of the International Recruitment Integrity System (IRIS), a voluntary accreditation framework and auditing protocol for international recruitment. The goal is to gain global recognition of fair and ethical practitioners, not just through licensing, but also through accreditation. He said it is an incentive to raise the bar on international recruitment and how it is carried out. He also mentioned the aim of complementing national jurisdiction and bridging jurisdictional and regulatory gaps. Finally, Mr. Soda enumerated some of the next steps in the initiative, such as engaging in outreach and partnership, convening a technical working group and pilot-testing projects, setting up an internet portal for an online platform as well as the possibility of linking accreditation to the issuance of visa for streamlining processes. (See presentation in Annex B, 4.1)

Open Discussion

Ms. Estrelita Hizon (Philippines) encouraged everyone to engage the government concerning the notion of “level-playing field.” In the Philippines, the government issues licenses for private recruitment agencies, but the government itself also conducts recruitment. She raised the question, “How can we compete if they are also in recruitment, using government facilities and staff in doing this?” She added that since government is also in charge of regulation, there is the question of who will punish government officials or staff if they commit recruitment violations themselves. If the government plans to continue recruiting in the coming years, then perhaps it would be critical to ask if government is willing to be subjected to the same rules and regulations implemented in the private recruitment industry. She shares that in conversing with other delegates, she learned that some governments in other countries are also conducting recruitment business not just with other governments, but also with the private sector. This problem “disturbs” the pattern of recruitment. For instance, if private recruitment agencies pay for the air ticket and visa of workers, the government asks workers to pay for these requirements. If private agencies followed suit (letting workers pay for their ticket and visa), then they will be sanctioned. Regarding the service fee, she explained that private agencies charge such fees to migrant workers to ensure that they do not turn away from their obligations. On the other hand, government charges lower service fees because they are also charging the worker. As a final note, she stressed the need for cooperation between the government and the private recruitment sector in reaching a “level-playing field.”

COUNTRY PRESENTATIONS

Without any other questions raised, Ms. Qoiriah introduced Mr. Chowdhury and asked him to begin his country presentation on Bangladesh.

COUNTRY PRESENTATION: Best Practices from Bangladesh

Mr. Ali Haider Chowdhury, *Secretary General, Bangladesh Association of International Recruiting Agents (BAIRA), Bangladesh*

Mr. Chowdhury discussed the background of the BAIRA and enumerated the association's roles. He identified two key good practices in Bangladesh: the use of the biometric identification (SMART) card introduced by the government of Bangladesh and the grading of recruitment agencies which was initiated under the new Overseas Employment and Migration Act of 2013. Mr. Chowdhury also talked about the challenges of labour migration from the experience of Bangladesh (particularly how laws and regulations of the origin country and international conventions are not always applied in receiving countries) and the differences in the procurement of demand and placement services across countries.

Regarding recommendations, Mr. Chowdhury said that migration policies and processes should be uniform, universal and implemented by both countries of origin and destination and recruitment agencies, from placement to procurement. Skills of migrant workers should be standardized as well to ensure universal acceptance and uniform wages. National government should also be guided by principles of public-private partnership. (See presentation in Annex B, 4.2)

Digital Technology, Transparency in Ethical Recruitment

Mr. Loreto B. Soriano, *President and CEO, LBS Recruitment Solutions Corporation, Philippines*

In his presentation, Mr. Soriano shared the profile of LBS Recruitment Solutions Corporation and its recruitment and business model. Discussing the social media landscape and online media use of Filipinos, he argued that new technologies and online and social media are changing the recruitment paradigm, and is changing the distribution model from "offline" to "online."

LBS Corporation has adopted an advanced recruitment management system that uses online media and emerging social and media applications, which help in dealing directly with employers and workers. Results from the

adoption of the system shows that the company's supply chain of applicants improved, and advertising costs decreased. Client and applicant satisfaction has dramatically increased, and so far, there have been no recruitment violations or money claim cases reported. (See presentation in Annex B, 4.3)

Promising Practices in Ethical Recruitment in Afghanistan

Mr. Rahman Habib, *Chairman, Jobslink Afghanistan, and Vice-President, JAICA Association, Afghanistan*

Mr. Habib discussed the conditions of Afghan migrants and their vulnerabilities, after which he talked about Afghanistan's government policy on managing migrants. He said that currently, there is only one recruitment association in Afghanistan. Meanwhile, government enforces labour laws and imposes strict control over recruitment processes. Mr. Habib said that some of the bylaws include providing employment training for employees and ensuring that the recruitment processes meet international standards. Bylaws also mandate that employees should not be charged recruitment fees. Monitoring and evaluation processes are already being drafted and negotiated between government and the private sector, to be finalized by June this year. Afghanistan is both an employer and sender of international migrants. Bilateral agreements have already been signed with other countries, while some are ready to be signed. Currently, Afghanistan is housing thousands of labourers of different nationalities, most of whom specialize in the IT and management sectors. Mr. Habib said that after two decades of conflict and insecurity, Afghanistan is back on the market.

Promising Practices in Ethical Recruitment in Thailand

Mr. Bancha Chuenchom, *Chief of Public Overseas Placement Section, Office of Thailand Overseas Employment Administration (TOMA), Department of Employment (DOE), Ministry of Labour (MOL), Thailand*

Mr. Chuenchom discussed the policies of Thailand's Ministry of Labour (MOL), which aim to increase income for Thai workers, to reduce expenses for jobseekers intending to work abroad, to provide more overseas employment opportunities and to raise awareness and address human trafficking. Meanwhile, the Department of Employment (DOE) has the laws and regulations to promote ethical recruitment (e.g., licensing and registration, sanctions, requiring pre-departure training and insurance deposit). It has also engaged in additional initiatives, such as implementing a project that aimed to educate rural communities about overseas employment conditions, and opening a government section that would recruit and deploy workers abroad at reduced recruitment costs. Moreover, the DOE only promotes agencies that conduct

ethical practices in recruitment. In August 3, 2010, the DOE and licensed agencies signed a declaration forging cooperation in protecting migrants' rights and welfare, suppressing unlicensed agencies and reducing recruitment costs.

In discussing concluding points and challenges, he said that agencies must conduct ethical recruitment for jobseekers before, during and after working overseas. Licensed agencies and the DOE should also strengthen cooperation and help jobseekers find better employment opportunities. (See presentation in Annex B, 4.4)

THE PRIVATE RELATIONSHIP TO ETHICAL RECRUITMENT: Opportunities and Challenges: The Case of Opteam (Opteam Concept of Ethical Recruitment)

Ms. Päivi Mäenpää, Human Resources Consultant, Opteam, Finland

Ms. Mäenpää presented a background on Opteam, the fifth largest personnel services company in Finland. She said her company is known for its responsible and innovative ways of working in the recruitment industry. The company takes into account ethical choices during each stage in the recruitment process and recognizes the responsibilities of the recruitment company. The Opteam global process is based on six stages: planning, recruitment, preparations in the country of origin, practical matters, providing education, and conducting follow-up.

Opteam, however, is not exempt from challenges in the recruitment industry. Ms. Mäenpää cited challenges in recognizing the most suitable candidates for certain jobs and difficulties in dealing with bureaucratic processes and the amount of paperwork involved, as well as different cultures and policies across countries of origin. She nevertheless emphasized the importance of ethical recruitment. Opteam's global concept of recruitment takes on an ethical approach, based on an understanding that building trust and providing good services to employers and their workers also contributes to business sustainability and reputation. She ended her presentation by saying, "Any model is really just as ethical as the people who are involved in it." (See presentation in Annex B, 4.5)

Open Discussion

Mr. Madhu Vilas Pandit (Nepal) introduced himself as affiliated with the Nepal government. He addressed most of his points to Mr. Chowdhury. He said that he is personally with Mr. Chowdhury in the view that G-to-G "is not good." However,

he raised the following points concerning recruitment agencies. First, he said while government takes money from the recruitment agencies at the international recruitment level, some recruitment agencies charge workers two to three times more. They also only submit receipts when the government asks for them. Second, some recruitment agencies admit many brokers, then break the rules and take more money. Then, they say the rules are for the brokers, not for them. Third, recruiters especially of women domestic workers in Gulf countries say they have completed their work, but they do not take responsibility for the workers' service fee – and this is unclear. Fourth, recruitment agencies interview the migrant workers for particular jobs, but the company gives 3-D types of work. Then, government is asked why it does not take care of its nationals. Fifth, many migrant workers suffer in destination countries because some recruitment agencies do not give orientation training or provide exits. As a sixth point, Mr. Pandit also mentioned letter-mailing processes required for potential crime verification (e.g., making the letterhead). Finally, he pointed out that in Nepal, agencies have to submit demand letters and other related documents to the government for pre-approval. However, some recruiters publish vacancies and already take visas from selected workers even before the government's pre-approval. They have selected an advanced visa before workers have applied. He ended by saying that in this regard, what can the government do? He said government only has one option – G-to-G.

Ms. Liberty Casco (Philippines) commented on the issue concerning G-to-G placement and the notion of “leveling the playing field.” She suggested that some government institutions also cite reasons for being in the recruitment business. In the Philippine experience, she shared the policy thrust (which has existed for many years) and its historical foundation, which would explain why there is such a thing as government recruitment.

Historically, Ms. Casco said, it was the government doing the recruitment, taking advantage of opportunities due to its mandate of employment generation, especially when the country faced high levels of unemployment and also when there was a construction boom in the Middle East. In later years, the policy shifted to opening up opportunities for the private sector under the labour code, and this has been the general thrust since then. Even now, private sector recruitment largely dominates the deployment of Filipino workers because government would rather handle steering functions rather than being engaged in this area. Notwithstanding, the government has to be able to serve its mandate of doing these functions because of public interest. Government placement experiences arose later due to bilateral labour agreements and treaties, which were concluded to respond to market failures. Ms. Casco said that when there are market failures and recruitment malpractices, the government steps in to correct such failures, “and that has been the philosophical foundation on why we have been there.” She added that because of this thrust, government has only been selective in its recruitment, and this is based on the study of conditions that would justify why government would enter in such

arrangements. She said, "We believe that it's really the private sector that should be the engine of recruitment because they have better resources and efficiency. And government should be accountable just like the private sector."

Ms. Casco stressed that there are also mechanisms in place if there are recruitment malpractices in government – certain regulations make government workers accountable to civil service, the Ombudsman and other institutions for any malpractice or wrongdoing. These mechanisms have thus been put in place to level the playing field. In response to Ms. Hizon's comment on "leveling the playing field," Ms. Casco said this is the reason government is currently servicing only a 0.4 percent share in the deployment of new hires. For her, this is not really indicative of active competition because 0.4 percent is nearly insignificant. She said, "We are residual of certain servicing of clients because of certain issues we want to address." She ends by saying that she agrees that it should be largely the private sector working in the field of recruitment, but there is a need to work towards curing the problems in the private recruitment industry itself as well. Moreover, "leveling the playing field" must also point to the playing field with counterparts in countries of destination, which are at times the source of problems for private recruitment agencies, (e.g., excessive placement fees). Unethical recruitment will persist without the cooperation of governments, stakeholders and private recruitment agencies in countries of destination.

Fr. Graziano Battistella (Philippine Observer) said that before sharing a reflection, he must reveal his bias for the workers, and not for the recruiters. Given the bias, he responded to Ms. Hizon's earlier comments, saying, "When you spoke against the government, I think you should think twice, because in the future, if you're really making business, it is because of the government." If the model Mr. Soriano has shown - the use of information and online technology - is going to progress, a time will come when workers can find jobs directly with employers through IT communication. There would be no need for recruiters. Meanwhile, the government is regulating and requiring workers to go through the system. He said that private recruiters should not complain too much against the government because perhaps the government is the one keeping them in business.

He moved on to ask if it is necessary to keep working towards one model, which is basically everyone going through a recruitment process with all kinds of procedures. He suggested instead to "deregulate the system a little bit," or at least partially, such as with the highly skilled. He asked if deregulation is possible, or if recruiters would feel threatened by this proposition, the same way they are threatened by the government's 0.4 percent share in deploying workers.

SESSION 5 BRIEFING AND ORIENTATION

Mr. Casco, IOM, proceeded to take over the discussion and observed that the session was already becoming exciting because of all the concerns and issues being raised. He then asked participants to later vacate the room in preparation for the next session, which is a workshop that begins with three breakout sessions, following the World Café format.

He explained that in these breakout sessions, participants will be divided into three groups. Each group will be assigned to a room, where there will be a computer, a projector and a projection screen. He encouraged everyone to articulate their views, talk to each other and contribute to the output templates for each session. Each group will have to elect a rapporteur from the delegates. There will also be a facilitator (from either the IOM or the ILO) and a documenter to note down the inputs.

The topics for the World Café session were enumerated as follows:

- I. Practical Indicators of Ethical Recruitment
Facilitator: Swairee Rupasinghe, National Project Coordinator, ILO Colombo
- II. Environmental Scanning: Strengths, Weaknesses, Opportunities and threats (SWOT) for the Recruitment Industry
Facilitator: Pravina Gurung, National Programme Officer, IOM Nepal
- III. Challenges in Cultivating an Environment Conducive to Ethical Recruitment
Facilitator: Seeta Sharma, National Programme Coordinator, ILO Decent Work Across Borders, ILO Delhi

Mr. Casco gave a brief overview for each topic. The first session explores how ethical recruitment is understood by participants, providing an opportunity for them to think about the concrete indicators of ethical recruitment. During this exercise, participants will go through guide questions and a checklist, though these should not be considered an imposition. Participants are free to agree, disagree and propose changes.

The second session focuses on identified strengths, weaknesses, opportunities and threats in the recruitment industry. Participants will be asked to enumerate specific observations and points under each category. Mr. Casco stressed that this is a critical exercise, as the output will be used in the afternoon during the planning session. The SWOT lists will be reviewed and action responses will be discussed.

The third session deals with cultivating an environment conducive to ethical recruitment. In this group, participants will have to discuss the political, social, legal

and marketing challenges that hinder a recruitment agency from conducting ethical practices.

Mr. Casco said that sessions will run simultaneously for 30 minutes. After the first round, participants should stop and switch to another group for another session. This will be done thrice, for a total of an hour and 30 minutes. He encouraged all participants to provide as many inputs as they can with the limited time allotted for the sessions.

He said that experts from the ILO and IOM and government representatives can participate and provide inputs as well, but as much as possible, their points will be separated from the private agencies' inputs. Meanwhile, observers are expected to listen to the discussions, and may provide their own ideas after the core recruitment industry delegates have exhausted their inputs. He reminded the participants that for efficiency, once the time is up, they do not have to discuss further points they still want to add, and must instead transfer to the next group. He suggested applying the "value-adding" approach, which means that one does not repeat the inputs of the first contributing group. Finally, Mr. Casco announced the session assignments for the first round of the breakthrough sessions.

RECAPITULATION OF DAY 1

Day 1 of the regional conference covered three sessions that focused on ethical recruitment, trends in the recruitment industry, and government and private-sector initiatives.

SESSION 1: Revisiting the Foundation for Ethical Recruitment

- The first session's aim was to look at the basics of ethical recruitment.
- Discussions centered on international conventions, frameworks and codes for ethical recruitment (e.g., ILO c.181), as well as best practices for the recruitment industry.
- The link between ethical recruitment to decent work/ethical employment was emphasized.

SESSION 2: Emerging Trends and Realities in Recruitment

- The second session mapped current trends in the recruitment industry in terms of roles, public image, policies and challenges such as job matching and labour shortages; labour trends in ASEAN; and skilled labour mobility in the ASEAN Economic Community.
- Best and ethical labour migration practices were discussed, such as licensing processes, information dissemination, and upgrading regulatory and institutional mechanisms.
- Another topic focused on the codes of ethical recruitment and a review of policy instruments.

SESSION 3: Fostering an Environment Conducive to Ethical Recruitment

- This session generally covered the initiatives of governments and private recruitment agencies in promoting ethical recruitment practices. Discussions centered on the Philippine government's migration management initiatives, the experience of the CIETT and the VAMAS Code of Conduct (COC-VN).

Challenges and issues faced by the recruitment industry

Across all three sessions in Day 1, delegates shared the following challenges, concerns and issues faced by the recruitment industry:

- Indirect recruitment and unlicensed agencies, negative media representations
- International certification across countries of origin and destination

-
- There are so many approval procedures and processes that can be minimized.
 - How to enforce ethical conduct on agencies. Suggestions included legal complaint mechanisms, a court to handle cases, and the creation of a regulatory authority.
 - The challenge of implementing regulations and ensuring full compliance of recruitment agencies. In terms of policies, not all principles are translated to implementable provisions.
 - The challenge of implementing monitoring and evaluation, how violators are punished, how good recruiting agents can be supported, and how evaluation or ranking can affect government and public trust.

Recommendations from Day 1

- View recruiters as partners in development, to go beyond job matching and provide services like education and training.
- Find a common definition of ethical recruitment and to determine what kind of ethics is being discussed (what is considered ethical or unethical).
- Consider migrants' perspectives on ethics and recruiters in destination countries.
- Organize private employment agencies better and develop inter-cooperation among recruitment associations locally and internationally.
- Forge bilateral labour agreements, ratify international conventions, and forge cooperation at bilateral, regional and multilateral levels.
- Implement legislation of ethical recruitment through a consultative process with recruitment agencies, civil society organizations and international agencies.
- Disseminate information on best practices and tools of ethical recruitment.
- Develop codes of conduct on recruitment and also setting in place complaint and support mechanisms (monitoring, evaluation, feedback mechanisms).
- Strengthen transparency in recruitment industry practices (e.g., charging of fees).

SESSION 5: BREAKOUT SESSION – WORLD CAFÉ FORMAT

Overall facilitator: **Mr. Ricardo Casco**, National Programme Officer, IOM Philippines

Session 5 began with the breakout sessions following the World Café format. The sessions in total lasted for about an hour and 30 minutes, after which participants convened in the main room for plenary discussion.

Presentation of Outputs

Mr. Casco asked the rapporteurs of each workshop to share the output from the three rounds of discussion. After each workshop, he asked participants for additional comments and suggestions. No further questions or recommendations came up during the open discussion after each of the rapporteur's presentations, indicating general approval. Mr. Casco observed that the breakout sessions must have been effective and have exhausted participants of their inputs.

The following documents are the outputs of the different workshop groups:

- I. Practical Indicators of Ethical Recruitment
Facilitator: Swairee Rupasinghe, National Project Coordinator, ILO Colombo
- II. Environmental Scanning: Strengths, Weaknesses, Opportunities and Threats (SWOT) for the Recruitment Industry
Facilitator: Pravina Gurung, National Programme Officer, IOM Nepal
- III. Challenges in Cultivating an Environment Conducive to Ethical Recruitment
Facilitator: Seeta Sharma, National Programme Coordinator, ILO Decent Work Across Borders, ILO Delhi



MR. RICARDO CASCO, IOM, Introduces the Planning Workshop



Rapporteurs present breakout session outputs



2nd Regional Conference in view of the creation of the
 Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP)
Making Breakthroughs in the Implementation of Ethical and Professional Recruitment
 1-2 April 2014
 Manila, Philippines
 Session 5: World Café Workshop No. 1

GUIDE TO DISCUSSION ON INDICATORS OF ETHICAL RECRUITMENT

1st Group; 2nd Group; 3rd Group

		AGREE	DISAGREE	REMARKS
	Level of awareness of migrant workers of their rights	X		<ul style="list-style-type: none"> • Info reaching migrants is different from migrants understanding the info given to them
	Access to information by for migrants	X		<ul style="list-style-type: none"> • Information will include their rights as well as the terms and conditions of their contract
1	Level of satisfaction of migrant workers	X		<ul style="list-style-type: none"> • Dissatisfaction arises when benefits varies from country to country vary; • Some migrant workers do not know what their rights at times; • What are their facilities; they should know; • At times, the workers request too much based on what they see from the others' benefits • People should know their rights - establishing level of awareness is important
	Unified/standard contract for employees in each company (regardless of country) ++ THE MOST ADVANTAGEOUS LEGISLATION FOR THE MIGRANT WORKERS	X		<ul style="list-style-type: none"> • Might be difficult to achieve, one issue is that each country or origin will have different standards • Same facilities/salaries should be accorded to all employees regardless of country of origin • Level of investments differ for each employer • Recruitment agencies from each

		AGREE	DISAGREE	REMARKS
	(e.g., we need to abide by the most advantageous benefits possible; this will be more practical)			<p>country should coordinate with each other; where salary scales will more or less be comparable</p> <ul style="list-style-type: none"> • Facilities should all be the same • Each country will also have different levels of training; they will have different skills • Their satisfaction will also vary on their migration cost • This might be difficult to implement on the ground; as an indicator • Facilities are important; we should not only look at salary benefits; salaries may be the same but the working hours are different • Benchmarks should be set (the minimum standard) but the recruiters will always negotiate for the best terms possible; nevertheless, it is the governments responsibility to negotiate for higher benefits for the country
	Implement the signed contract			<ul style="list-style-type: none"> • But this should still adhere to the laws and regulations of the country
2	Increase of employer clients		X	<ul style="list-style-type: none"> • Not necessarily
	Increase and retention of clients	X		<ul style="list-style-type: none"> • This can be seen as an indication of trust
3	Full compliance with laws and regulations	X		<ul style="list-style-type: none"> • If the issuance of Official Receipts is a requirement, recruitment agencies need to issue ORs • The country also needs to abide by signed international treaties (child labor laws)
4	Healthy competition, Cooperation and Collaboration	X		

		AGREE	DISAGREE	REMARKS
5	No placement fee charge	X	X	<ul style="list-style-type: none"> • BODY IS DIVIDED: countries will have different levels of development; certain countries can afford to do away with fees, while certain countries cannot • Advocate for recruiters to charge more from employers - this may be true for higher skilled (Sri Lanka), this may not be true for the lower skilled workers >> this may NOT true for the OTHER countries (Philippines) • The fee should be defined; what are the costs, and what are the fees to be passed on the worker, if any • If there are costs, it has to be transparent • If so, Fees should be relevant to the local legislation
6	<p>Absence of labour cases (with criminal penalties)</p> <ul style="list-style-type: none"> • Decision/Judgement • Number of verified cases • Not limited to labor cases; there are other criminal cases (e.g., trafficking) • Quick resolution of cases 	X(?)	X	<ul style="list-style-type: none"> • Cases, Not; but the decisions/ Judgments, Maybe - certain cases may be settled out of court • It depends on the legal system as well; sometimes, cases are filed and then you have mediation • Amicable settlement of cases also needs to be considered • Due process must be observed; grievance procedures are important • Parties are agreeable to quick resolution as long as their interests
7	Positive public image	X		
8	High Quality of recruitment service	X		<ul style="list-style-type: none"> • We need to define what are "recruitment services": Advertising,

		AGREE	DISAGREE	REMARKS
				<p>training for workers; information/ orientation for workers</p> <ul style="list-style-type: none"> • Checklists need to be prepared; for the benefit of the workers -- this includes information on procedures for migrants when they are in country of destination (On-Site Services) • Certification (ISO) is properly monitored; quality management systems • The employer paying for the costs of the recruitment can be an indicator of high-quality service • Cost-effectiveness for the migrant • The government has an important role in ensuring this point; it needs to streamline the requirements to make it easy for the recruiters; less bureaucracy, no over regulation
9	Transparent and accountable recruitment system			<ul style="list-style-type: none"> • Honesty; because you can be transparently dishonest
10	Selective of decent work vacancies offered to migrants			<ul style="list-style-type: none"> • Non-recruitment of children (use of term "Trainees/Intern" to avoid payment of minimum wages as well as other minimum labor standards) • No 3Ds (dirty, dangerous, demeaning) • Set of minimum wages based on occupation • Decent work standards have already been set (ILO) this should be set as the bare minimum requirements
11	<p>Respect for human rights of migrants</p> <p>Fair treatment to migrant workers</p>	X		<ul style="list-style-type: none"> • How do they show their respect? • Perception of respect is different from each country of destination • Fair treatment should be observed for the benefit of all parties concerned • Negotiation for freedom of association/collective bargaining agreement

		AGREE	DISAGREE	REMARKS
12	Adherence to international commemorations, universal principles and values and vulnerabilities of moral values			
13	Sensitive to the needs of migrant workers			<ul style="list-style-type: none"> • Sensitive to different gender/Disability Needs/Health Status (HIV-AIDS) Ethnicity • HIV/AIDS: confidentiality must be assured once someone is found positive; treatment of HIV is something that must also be looked at • Social Security (pension) (important in times of disability)
14	Welfare support for groups of workers in country of destination			<ul style="list-style-type: none"> • Insurance (death, injury) • Repatriation in times of crises • Training in destination country
15	Support for return and reintegration			<ul style="list-style-type: none"> • This should be attached even at the point of pre-departure

ENVIRONMENTAL SCANNING MATRIX

SWOT ANALYSIS	ACTION PROGRAM	INDICATIVE TIME TABLE
STRENGTH <ul style="list-style-type: none"> • Existence of national, regional and international legislation promoting ethical recruitment practices • Existing best practices • Strong associations at national level • Expertise in labor recruitment and placement • Political commitment and government support • International conventions • Commitment to protect and improve the welfare of the migrant workers • Availability of labour supply from the country of origin (different skill levels) 		

SWOT ANALYSIS	ACTION PROGRAM	INDICATIVE TIME TABLE
<p>WEAKNESSES</p> <ul style="list-style-type: none"> • Limited capacity to implement government policy • Overregulation, bureaucratic structure • Weak monitoring systems • Inadequate involvement of more stakeholders in the monitoring process • Politicization of policymaking and implementation process • Weak transparency on the receiving side • Unscrupulous practices • Irregular recruitment practices and human trafficking • Gender-bias in recruitment policies and practices • Low/limited capacity of stakeholders • No clear definition of ethical recruitment • Low literacy of jobseekers • Limited collaboration between sending and receiving countries • Limited research on labor market trends • Presence of unethical employers and agents • Guidelines from the destination countries are not followed • Lack of resources and capacity in embassies of sending countries (approachability) • Lack of standards of certification in sending countries • Lack of awareness among migrants to choose legal migration processes • Bad image of recruitment agencies 		
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> • Social networking • Strong civil society voice • Competitive environment • Informal interaction among stakeholders • Demand-driven markets • BLAs, MOUs, regional and global forums 		

SWOT ANALYSIS	ACTION PROGRAM	INDICATIVE TIME TABLE
<ul style="list-style-type: none"> • ASEAN policies on free mobility of skills • Upgrading of skills of migrant workers • Graying population and new technologies • Development of uniform international, technical standards • Qualification recognition • Utilizing embassies for migrant workers, for ensuring their welfare • Financial support to provide subsidized loan facilities for migrant workers • Positive practices of recruitment agencies need to be highlighted • Social security protection 		
<p>THREATS</p> <ul style="list-style-type: none"> • Labor market competition among sending countries (undermining the rights and protection of migrant workers) • Unregistered brokers/sub-agents • ASEAN policies on free mobility skills • Cartelization/monopoly schemes among the recruitment agencies (e.g., GAMCA) • Government placement activities for overseas employment <p><i>* Different views regarding G-to-G</i></p>		

CHALLENGES IN CULTIVATING AN ENVIRONMENT CONDUCTIVE TO ETHICAL RECRUITMENT

	CHALLENGES	NEEDED RESPONSE
LEGAL	<ul style="list-style-type: none"> - Gaps between origin & destination countries - Regulations need to be updated - Government placement activities also need to be monitored/regulated - Government is involved in recruitment - Sponsorship system (Kafala system, Gulf Countries, Malaysia) 	<ul style="list-style-type: none"> - A need for "model laws" - Destination & origin countries need to ratify C181 - Need to ratify bilateral agreements - Bilateral agreement: align laws on migration on local and international plane with receiving countries - Align certification system of sending & receiving countries. Standardize

	CHALLENGES	NEEDED RESPONSE
		<p>technical trainings. Adaptation of mutual recognition agreements</p> <ul style="list-style-type: none"> - Codes of practices should contain guidelines for employers (in PH, better included as rules & regulations) - Embassies of origin countries should be active in destination countries - Offices to handle issues between governments - Government placement should get higher benchmark/better terms of benefits than private sector - Align government/private agencies to same standards - Set minimum standards - Visas should match term of contract
POLITICAL	<ul style="list-style-type: none"> - Labor market competition among sending countries - length of time it takes to get to destination country due to security issues. How to get verification of identity? - Corruption 	<ul style="list-style-type: none"> - Sending countries need very good cooperation. If so, we can negotiate for better arrangements with destination countries - Strengthen labor union in destination countries, create political pressure - Build frameworks of association where people can function like unions, Don't call it unions. - ASEAN level: agreement that sets a framework that can also be implemented in each country.
MARKET	<ul style="list-style-type: none"> - Market competition - Number of people in the recruitment business model (intermediaries) 	<ul style="list-style-type: none"> - Sending countries need to unite to convince the destination countries re: how much market force they need to occupy - Destination country (specifically, private agency and government) must educate employer to comply with international standards
TECHNOLOGICAL	<ul style="list-style-type: none"> - Access to and accuracy of information - Borderless technology - Adaptation to new business models 	<ul style="list-style-type: none"> - Set up an online system – a registry of ethical recruiters and utilize such an online system with validated data - Use technology to share messages/ stories on social media (Nike, Apple) - Codes of practices containing

	CHALLENGES	NEEDED RESPONSE
		guidelines for employers should be posted online
SOCIAL / CULTURAL	<ul style="list-style-type: none"> - Traditional societies (Gulf Area) - Gender bias (different treatments between female & male migrant workers) - Unethical employers - Trust of unregistered local intermediaries (sub-agents) - In light of registration of sub-agents, the emergence of 'sub-sub agents' - Lack of understanding of contractual obligations by workers - Integration/adaptation to host country culture - General perception of migrants in destination countries (xenophobia) - Lack of voice from migrant workers across the board 	<ul style="list-style-type: none"> - Communicate these problems to general public of destination country - Educate employers on these issues - Awareness at the grassroots level - Bring unregistered local intermediaries (sub-agents) into the recruitment system, have a registration process for them

SESSION 6 BRIEFING

Moving to the final session of the conference, Mr. Casco said that the next two hours will entail three activities: 1) a review of the 2008 action program signed by some of the participants, 2) determining action program responses to the SWOT analysis, and 3) discussing the organizational plan for the national industry and the regional alliance. All documents to be used in the plenary strategic planning workshop will be projected for everyone to see.

ENVIRONMENTAL SCANNING MATRIX

SWOT ANALYSIS	ACTION PROGRAM	INDICATIVE TIME TABLE
STRENGTHS <ul style="list-style-type: none"> Existence of national, regional and international legislation promoting ethical recruitment practices Existing best practices Strong associations at national level Expertise in labor recruitment and placement Political commitment and government support International conventions Commitment to protect and improve the welfare of the migrant workers Availability of labour supply from the country of origin (different skill levels) 	<ul style="list-style-type: none"> Reinforce best practices Strengthen national level associations in order to contribute to regional associations Support the ratification of Convention 181 Support IRIS The government should identify clearly what are the allowable costs to be charged on to the workers Implement a common regional activity ILO-IOM to support strengthening of regional association activities 	
WEAKNESSES <ul style="list-style-type: none"> Limited capacity to implement government policy Overregulation, bureaucratic structure Weak monitoring systems Inadequate involvement of more stakeholders in the monitoring process 	<ul style="list-style-type: none"> Capacity-building Educate everybody about C181 with support from ILO/IOM IOM to educate agencies about IRIS/no migrant fee business models Advocate the payment of service fees by foreign employers 	

SWOT ANALYSIS	ACTION PROGRAM	INDICATIVE TIME TABLE
<ul style="list-style-type: none"> • Politicization of policymaking and implementation process • Weak transparency on the receiving side • Unscrupulous practices • Irregular recruitment practices and human trafficking • Gender-bias in recruitment policies and practices • Low/limited capacity of stakeholders • No clear definition of ethical recruitment • Low literacy of jobseekers • Limited collaboration between sending and receiving countries • Limited research on labor market trends • Presence of unethical employers and agents • Guidelines from the destination countries are not followed • Lack of resources and capacity in embassies of sending countries (approachability) • Lack of standards of certification in sending countries • Lack of awareness among migrants to choose legal migration processes • Bad image of recruitment agencies 	<ul style="list-style-type: none"> • Develop the monitoring tools and SOPs • Adopt and implement IRIS program 	
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> • Social networking • Strong civil society voice • Competitive environment • Informal interaction among stakeholders 	<p><i>* Note: Government placement should also be governed by the same rules as those applied to private recruitment agencies</i></p>	

SWOT ANALYSIS	ACTION PROGRAM	INDICATIVE TIME TABLE
<ul style="list-style-type: none"> • Demand-driven markets • BLAs, MOUs, regional and global forums • ASEAN policies on free mobility of skills • Upgrading of skills of migrant workers • Graying population and new technologies • Development of uniform international, technical standards • Qualification recognition • Utilizing embassies for migrant workers, for ensuring their welfare • Financial support to provide subsidized loan facilities for migrant workers • Positive practices of recruitment agencies need to be highlighted • Social security protection 	<ul style="list-style-type: none"> • Facilitate dialogues with recruitment agencies in destination countries; ILO/ IOM to support • Communicate positive contributions of recruitment agencies alongside fair and decent work in recruitment practices • Identify partners 	
<p>THREATS</p> <ul style="list-style-type: none"> • Labor market competition among sending countries (undermining the rights and protection of migrant workers) • Unregistered brokers/sub-agents • ASEAN policies on free mobility of skills • Cartelization/monopoly schemes among the recruitment agencies (e.g., GAMCA) • Government placement activities for overseas employment <p><i>* Different views regarding G-to-G</i></p>	<ul style="list-style-type: none"> • ILO and IOM to engage destination countries to agree to negotiate terms and conditions on the G-to-G • G-to-G not a threat • Interventions to mitigate adverse effects of GAMCA 	

Mr. Casco said that after Day 1 of the conference, the drafting (or writing) committee, which had expanded from five to 10 members including representatives from the ILO and the IOM, held a meeting to discuss the outcome document.

Members of the drafting committee were:

1. Mr. Somsak Sooksombatisatian (Thailand)
2. Mr. Bancha Chuemchom (Thailand)
3. Mr. Surachai Wangwattananukul (Thailand)
4. Mr. Trao Nguyen (Vietnam)
5. Ms. Estrelita Hizon (Philippines)
6. Mr. Mohamed Faizer Mackeen (Sri Lanka)
7. Ms. Subarna Shrestha (Nepal)
8. Mr. Syakir Abdurahman (Indonesia)
9. Mr. Ricardo Casco (IOM)
10. Ms. Yuko Hamada (IOM)
11. Ms. Christina Burwell (IOM)

During the meeting, the committee decided to include in the second day of the conference a review the 2008 action points signed by some of the participants in the past.

After this review, the plenary session will look back at the SWOT output from the breakout sessions and to discuss the responses, particularly for weaknesses, opportunities and threats. Mr. Casco reminded participants that despite the long list, not all issues will be tackled. He suggested that perhaps three main action responses to these points could be identified during the discussion, since what can be articulated are specific, doable actions within a certain period of time.

The third activity is a discussion of the organizational plan for national industry associations and the regional alliance. Mr. Casco said guide matrices will be presented during this activity.

Finally, the plenary session will review and finalize the third draft of the outcome document, which will be signed by ten of the member-representatives. Participants agreed to have all these activities as part of the process for the plenary workshop.



Session 5 Discussion and Review of Outcome Document

Mr. Casco then invited Mr. Federico Soda and Mr. Nilim Baruah of the ILO to facilitate the last session of the conference.

ALLIANCE OF ASIAN ASSOCIATIONS OF OVERSEAS EMPLOYMENT SERVICE PROVIDERS

JOINT STATEMENT IN PURSUIT OF ETHICAL RECRUITMENT

2 April 2014, Manila

We, the Alliance of Asian Associations of Overseas Employment Service Providers and delegates from Colombo Process Member States namely Afghanistan, Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam recognize our strategic and responsible role in the mobility of male and female migrant workers, their access to training and employment opportunities, and in the protection of their fundamental human rights and welfare;

We gather to reaffirm our **2008 Commitment to Action in Pursuit of Ethical Recruitment**, with the renewed vision of the Alliance of well-respected, credible, and ethical recruitment practitioners helping to obtain decent work to improved the lives of migrant workers and their families.

We commit to the pursuit of ethical practice and professionalism in the conduct of recruitment in accordance with relevant ILO and international conventions, and applicable national laws, to serve the legitimate needs and ensure the protection of our clientele, the migrant workers and employers;

We recognize the importance and relevance of democratic national industry associations as a voice able to bring their members' legitimate needs to the forefront as a responsible social partner.

We take to task the strengthening of partnerships with governments, employers' and workers' organizations, migrant worker groups and civil society organizations both in sending and receiving countries, to address recruitment and employment-related challenges, through continuing dialogue and implementation of specific programmes within our shared vision, mission and core values.

We establish a strong resolve to face the challenges and opportunities of a changing global labour market constructively, including the impact of regional economic integration, whereby cooperation in a competitive environment will become the compelling mode of relationship, in order to maintain the relevance and quality of our services.

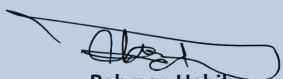
We vow to support initiatives which will enable our industry to raise the benchmark for ethical and quality service, compliant with international standards, and government regulations and at the same time, responsive to market realities and facilitative of the smooth flow of migrant workers.

We commit to move the Alliance forward by establishing its Secretariat with a rotating term of office of two (2) years to start with the Philippines and developing a website as a platform for exchanging information.

We agree to adopt a system of monitoring the implementation of this agreement at regular yearly intervals from the date of its signing.

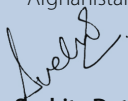
In unity, we resolve to adopt the **Joint Plan of Action for Ethical Recruitment** which serves as an integral part of this Commitment, In furtherance of this, we count on the continuing guidance of governments, social partners, international organizations, multilateral bodies and development organizations, notably the International Organization for Migration, the International Labour Organization, and UN Women, as we enhance our collective efforts to get organized as leading industry representatives from our respective countries to a responsible regional network, recognized with a voice in policy and development circles.

Adopted during the Second Regional Conference of the Alliance of Asian Associations of Overseas Employment Service Providers, held in Manila, this 2nd of April, 2014.



Rahman Habib

Chairman, JLA/JAKA Association,
Afghanistan



Suchita Dutta

Executive Director, Indian Staffing
Federation (ISF), India



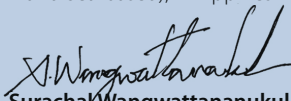
Subarna Shrestha

Secretary, Nepal Association of Foreign
Employment Agencies (NAFEA), Nepal



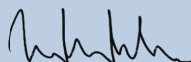
Estrelita S. Hizon

Member, Philippine Overseas Employment
Administration (POEA) Governing Board
Representing the Private Sector (Land-based
and Sea-based), Philippines



Surachai Wangwattananukul

Chairman, Thai Overseas Manpower
Association (TOMA), Thailand



Ali Haider Chowdhury

Secretary General, Bangladesh Association
of International Recruiting Agencies (BAIRA),
Bangladesh



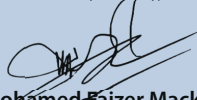
Abdullah Syakir Al Atas

Coordinator, Asosiasi Perusahaan Jasa
Tenaga Kerja Indonesia - APJATI (Indonesian
Manpower Services Association), Indonesia



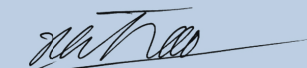
Ahmad Ali Siddiqui

Chairman, (RWP/ISB Zone)
Pakistan Overseas Employment Promoters
Association (POEPA), Pakistan



Mohamed Faizer Mackeen

Secretary, Association of Licensed Foreign
Employment Agencies (ALFEA), Sri Lanka



Trao Nguyen Luong

Chairman, Vietnam Association of Manpower
Supply (VAMAS), Vietnam

SESSION 6: PLENARY STRATEGIC PLANNING WORKSHOP

Co-facilitators: **Mr. Federico Soda**, Head, Labour Migration and Human Development, Department of Migration Management, IOM Geneva; **Mr. Nilim Baruah**, ILO Regional Migration Specialist for Asia-Pacific, Bangkok

Co-facilitator Mr. Nilim Baruah began the sixth and final session of the conference by introducing the 2008 Program of Action document, saying that this will be discussed so members can choose to discontinue or pursue specific action points and to determine the timetable.

He said some of the points are already related to those discussed in the SWOT analysis, such as establishing a working committee and advocating international conventions and instruments. Participants agreed to retain these action points. Mr. Baruah also observed a number of points regarding Convention 181, and that there seems to be a more concerted effort to promote its ratification and implementation. He then asked participants for any comments or suggestions regarding the Program of Action.



Planning Workshop



2nd Regional Conference in view of the creation of the
Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP)
Making Breakthroughs in the Implementation of Ethical and Professional Recruitment
1-2 April 2014
Manila, Philippines

PLANNING WORKSHOP: REVISIT 2008 PROGRAM OF ACTION

	PROGRAM OF ACTION	DISCONTINUE	PURSUE	TIME TABLE	REMARKS
1	Establish working committees:				
	a. Advocacy programme-promote international conventions and instruments		X		- Ratification of 181; Harmonization of National - Legislation with the convention;
	b. Enhancement of partnerships with government		X		- Include Law-making bodies; employ a targeted approach
2	Joint discussion in issues of concerns, hindrances to ethical recruitment and needed strategies		X		- Pursue in the spirit of tripartism (workers, government, employers + civil society); - Pursue with ASEAN and other National, Sub-Regional, Reg'l and Global fora
3	Undertake foreign employer program		X		- Ethical recruiters need ethical employers; employers are equally responsible as the recruiters; decent work happens when workers are already working, not during recruitment

	PROGRAM OF ACTION	DISCONTINUE	PURSUE	TIME TABLE	REMARKS
					- Employer program V. Foreign employment agency; necessary because we have to protect migrants in every phase
4	Streamline the overseas employment sector and recruitment process		X		Philippines operate country/skills specific association; not so in other countries - Industry mature enough to share practices; but it should be made more effective - We need to define what the sector is; recruitment is not a sector, it is only an activity of the overseas employment industry
5	Undertake the exchange in of information and ideas, sharing and program of good practices		X		
6	Establish administrative structure of the alliance and improve coordination		X		- We can have sub-committees to work at national/regional levels (Middle East, Asia, Professionals, etc.) - Secretariat to coordinate the activities of different national sub-committees to improve the sharing of good practices

ORGANIZATIONAL PLAN FOR THE NATIONAL INDUSTRY AND THE REGIONAL ALLIANCE

PLANNING NOTES CHECKLIST

1. What steps will you take to organize and/or strengthen your national industry association?	
◦ Obtain guidance and support from government in organizing the industry/Obtain recognition from the government after self-organization	/
◦ Incorporate to obtain legal personality	/
◦ Promote membership	/
◦ Engage a visioning exercise and strategic planning	/
◦ Prepare an association work plan	/
◦ Call for organizational meeting to prepare/update the Terms of Reference, By-laws, Articles of Incorporation, Terms of Membership	/
2. What steps will you take to establish or re-establish the Alliance of Asian Association of Overseas Employment Service Providers (AAA-OESP)?	
◦ Plan a regional working meeting	/
◦ Establish working committees	/
◦ Map out some initiatives which can be embarked jointly by interested countries.	/
◦ Map out some initiatives which can be embarked in parallel	/
3. What measures will you take to sustain or nurture the Alliance?	
◦ Establish a mailing list, social networking site, website, facebook group	/
◦ Exchange information	/
4. Explore support for innovations such as IRIS and other initiatives	

Open Discussion

Mr. Rene Cristobal (Philippines) raised a clarificatory question on what “government” means, whether it refers to the ministries, parliament, congress or justice, among others. He said, “The reason I ask that is because... when you consider international conventions and laws, in order to align it with local and national laws, we have to invite members of parliament, [for them] to know and [to] listen to what we are saying. Because they are the ones who are amending or passing existing laws to align it with international conventions. I propose that in this ‘government,’ let us include the lawmaking body, including the judicial system.” He said that in most labour cases, the judiciary decides what is right or wrong. He asked if this suggestion could be included under remarks.

Mr. Baruah responded to Mr. Cristobal by saying that there is no objection to what he said.

Ms. Catherine Vaillancourt-Laflamme said that she would like to enhance Mr. Cristobal’s point because she also believes that the strategies should be different depending on the level of government the specific action will target. She added that it makes sense to have a targeted approach depending on the different ministries that need to be part of the discussion.

Mr. Casco clarified that in the 2008 session, the spirit of the statement pertaining to “government” really intended to refer to all branches of government. There will be a problem if there are strained relations with at least one of these branches. Thus, the spirit of the articulation was to refer to all aspects of government - executive, legislative, judiciary, as well as local, national and so on.

Mr. Baruah proposed to move on to the second point of the action program and to move the discussion of the timetable towards the end. He asked Mr. Casco on what joint discussions were planned in the 2008 program.

Mr. Casco said the intention was to continually meet for joint discussion. Members agreed to pursue this plan of action.

Mr. Cristobal said there really is a need to continue the joint discussions in the spirit of tripartism, though this usually means just the government, employers and workers. He suggests civil society must also be included.

Mr. Baruah added that within ASEAN, the ASEAN migrant labour forum includes discussions on recruitment and involves employers, recruitment agencies, government and trade unions. It was already mentioned that there is a need to look at joint discussions and fora at national and sub-regional levels, the level of the Asian region, and then the global level. At the sub-regional level, in terms of fora

that have been created, these issues are being discussed and should be discussed further. He also pointed out that recruitment agencies in some ASEAN countries are also members of employers' organizations, as in the case of Cambodia and Vietnam wherein associations of recruitment agencies are also part of employers' organizations. In that regard, there is to some extent participation in ILO discussions.

Mr. Baruah asked Mr. Casco what is meant by "foreign employer program." Mr. Casco responded that it means a commitment to educate employers. There was admission before that despite the work that has been done on providing orientation, there are hardly any programs on educating the employer about recruitment practices, as well as the culture and work ethic of source countries.

Mr. Cristobal said he advocated this strategy because "if we are trying to promote ethical recruitment, we should also promote a program of ethical employer doing the recruitment." He said recruiters are agents working under the umbrella of the employer. It is the employer who tells the recruiter who to recruit, and how to recruit. He added that the foreign employers to whom recruiters send workers are equally responsible for their employment. "We are responsible for recruiting the people, but their employment depends on [the employers, and] how they will treat them," he said.

Mr. Baruah responded by saying that this point was already made clear in the discussions.

A delegate-participant said there is a need to clearly define if the foreign employer program targets the employers, or the people who find the employment as foreign agents. Careful designing of the foreign employer program is important.

Mr. Baruah said that in any case, in any measures to be taken, "you have to use your judgment." However, the point raised in the group discussion is that there is a need to reach out to employers regarding ethical employment, decent work conditions, proper placement of workers and so on.

Ms. Hizon shared that in the Philippines, there is a country-specific organization that conducts goodwill missions solely for the purpose of educating the employer. This is done regularly, around twice a year.

Mr. Baruah noted the need to keep in mind that the protection of migrant workers happens not only during recruitment, but also during the pre-employment process, the recruitment itself and employment. All these areas have to be governed, though in this conference, the discussion is focused on one element, and a major area of concern is protection regarding employment. He asked Mr. Casco about the intended meaning behind "streamline the sector in recruitment."

Mr. Casco said that in 2008, there was a realization that in each country, the recruitment agencies and their associations were not so organized. There were also observed redundancies and conflict among them, so it was difficult to have one voice. They also complained that government procedures in recruitment were messy, and the standards for recruitment procedures were weak. So, members of the alliance committed to act among themselves to streamline their associations and to organize themselves so they can work towards better representation and a more systematic recruitment process.

Ms. Hizon said in the Philippine experience, they found it easier if country-specific and skills-specific organizations were formed. For instance, if there is a problem concerning the destination country, the POEA already knows which association to ask help from in addressing the problem. In practice, she said, they were able to prove that streamlining does not really help address the problems of many OFWs. She proposed that there should be country-specific or sector-specific associations (e.g., an association for household workers and an association for skilled workers). She added that in the Philippines, laws are different for the HSWs and the skilled workers.

A representative from Indonesia said the suggestion from the Philippine delegate might not be necessary for other countries. In Indonesia's case, these kinds of associations are already combined into one.

Mr. Baruah commented that perhaps the first step is to have a national association and to strengthen it.

Mr. Casco explained that the purpose of streamlining does not mean abolishing country or skill-specific associations. Streamlining is, in a way, an umbrella kind of approach, which can be important when there are common macro-level issues that need to be dealt with as a sector. There was an expressed interest in having an umbrella organization.

Moving to the point on the "exchange of information and sharing of good practices," **Mr. Baruah** said the industry has become mature enough to share good practices, and he thinks this step should be included. The process should be made more effective in the next step to help associations work better. On the last point regarding "establishing the structure of the alliance and improve coordination," he said this could probably be addressed under the third part of the session on the organizational plan for national associations and industry alliances.

Mr. Casco suggested that participants should be definitive about the joint commitment, because in the outcome document, there is a reaffirmation of a commitment to pursue what was agreed upon in 2008. He said that if there are some

things participants are uncomfortable with, or if no collective agreement is reached, these can be excluded so they are not carried on in the final outcome document.

Mr. Cristobal asked what is really meant regarding the term “sector.” He explained that in economic and business terms, sector usually means the public and the private sectors, employer and worker sectors, and manufacturing, services and agricultural sectors, among others. For him, recruitment is not a sector, but an activity. In this draft of the commitment, therefore, “sector” pertains to overseas employment, and not the recruitment industry. He said, “Let us bear this in mind. When we talk of sector, we are talking about overseas employment, not just recruitment.”

On the administrative structure of the alliance, he said that there could be sub-committees by country and by skills. This can be similar to what has been done in the Philippines, where land-based recruitment agencies were divided according to committees - a group for the Middle East, another group for Asia, and then a group for professionals and for HSWs.

After this comment, participants agreed to replace “sector” with “overseas employment sector” and “recruitment” with “recruitment process” to better specify the terms.

Another participant suggested that there should be an alliance secretariat to coordinate the activities of the members and to unify the system. The alliance can also function as a body with different sub-committees.

Mr. Baruah summarized the review of the 2008 Program of Action, saying that most, if not all the points still remain relevant. Participants generally agreed to pursue the action points listed in the program. Mr. Baruah said that this Program of Action can be integrated with the outcome documents of this conference, with guidelines and other details. He then proceeded to the second part of the plenary planning workshop.

SWOT Analysis and Action Program Responses

Co-facilitator Mr. Federico Soda began discussing the SWOT analysis chart the participants had worked on in Session 5. He said the goal of this second activity is to determine how the alliance can capitalize on the strengths, mitigate the weaknesses, take advantage of opportunities, and overcome the threats.

While reading out the inputs in the SWOT analysis chart, Mr. Soda mentioned the need to keep in mind if some of the points in the SWOT have already been covered by discussions in 2008, and the extent to which participants have to add on them. He also cautioned about being realistic regarding action program responses.

Mr. Baruah agreed with Mr. Soda, stressing the need to prioritize. He commented on one of the points under Strengths: “strong associations at the national level.” He said, “I think before we start telling others what to do, we need to work on ourselves first. Like strong associations at the national level - it’s obviously a priority first step. What do you do in this regard?” He urged participants to think about other points. For instance, on “existing best practices,” what could be done specifically in this regard? He also asked them to think about what specific actions could be done regarding international conventions like C181 (What action could be done, and what support would be required from the ILO?)

A participant suggested that IRIS could be part of action program and in the list of strong implementation plans.

Mr. Cristobal said he fully agrees with strengthening national associations. He shared the Philippine experience: On June 7, 2012, all recruitment associations in the Philippines signed a commitment to ethical conduct and best recruitment practices of land-based agencies in the country. For him, national organizations can be strengthened first before they contribute to regional efforts. He also mentioned how the associations worked together to raise funds in the aftermath of Super Typhoon Yolanda (Haiyan) to help people in Tacloban, Leyte and Samar. He said they worked together to provide relief goods and to set up a job fair that prioritized those affected by the typhoon. He said this is a “best practice” and suggested that in the region, there should be a common activity that would encourage associations to work together and help the less fortunate.

One participant agreed with this suggestion, saying that at the national level, perhaps associations can unify to respond to issues like fighting for rights. He said helping each other with the support of the ILO and the IOM would be a step towards unity. Otherwise, it would be useless if everything is just left at the level of discussion.

Ms. Vaillancourt said she will be the devil’s advocate, and while she often agrees with Mr. Cristobal, this time she will disagree. She thinks the effort of associations to engage in relief efforts is commendable and hopes similar efforts can be organized if ever the Philippines is hit with another tragedy. However, she does not think this is core to the recruitment industry and the overseas employment sector, and might be more related to corporate social responsibility. She does not see it as a core part of what recruitment agencies or the alliance should prioritize at this point in the discussion.

Mr. Cristobal responded by clarifying that he is only asking for fellowship and a means of working together. “Unless we work together on a certain thing, how can we get to know each other?”

Mr. Soda said it is a fair point, though he is not sure if this should be specifically highlighted. He added, however, that it is good for the community and for the industry to engage in that kind of work.

Moving to the list of weaknesses, **Mr. Soda** read through the inputs, such as limited capacity to implement government policy, overregulation, weak monitoring, weak transparency on the receiving side.

Ms. Vaillancourt said that perhaps it is high time to ask the delegates what assistance they would need from agencies like the ILO and the IOM to carry out actions or to deal with concerns like C181 or IRIS.

There was a brief discussion on C181 wherein there were divided reactions on the “no placement fee” policy. **One participant** said the convention is important to ratify and implement, but perhaps there should be a specification that the handling fee should not be collected from the worker. **Another participant** said that maybe government could identify the allowable fees charged to the workers. There was also a comment that both sending and receiving countries should ratify the convention.

Mr. Baruah responded by stressing that C181 is not about allowable fees. C181 states that no fees should be charged directly or indirectly to the worker. However, there are exemptions, and these exemptions must be agreed upon by representatives of both employers’ and workers’ organizations. Exemptions are allowed if there is a consultative process involved, and if this is reported to the ILO.

Ms. Vaillancourt suggested that associations could perhaps ask the ILO to educate everyone about C181 and probably assist in going through the ratification of the convention.

Mr. Cristobal said C181 has been and is being implemented already by his association since 30 years ago. He suggested that for best practices, there could be a seminar on how to survive and grow without charging placement fees to the workers. “We can share this,” he said. “We have grown without collecting a single centavo from the worker.” He said that going back to Ms. Mäenpää’s point, the foreign employer is willing to shoulder expenses because this makes one’s recruitment legal, moral and ethical.

Ms. Hizon asked the ILO to educate the associations on C181 and to help them prepare for ratification. She also requested the ILO to help with problems encountered with the destination countries, such as ensuring employers will pay recruiters decent amounts so that workers will not have to pay for anything. To this, Mr. Soda said that it is tied to the weak transparency on the receiving side.

Mr. Baruah said that there was already a suggestion on organizing a seminar on good practices and developing a business model that does not charge fees. This is what Mr. Cristobal was talking about. He added that C181 has been signed by a number of destination countries.

He also said that perhaps the group may want to include determining a definition of ethical recruitment as one of the action points.

A delegate from Indonesia said he hopes IRIS can be implemented in their country. Concerning the ratification of C181, he said political issues with governments are a problem.

Another delegate said that the ILO and the IOM should develop monitoring tools and standard operating procedures, and to implement IRIS in a selected country that has not or is not using it.

Participants discussed the ratification and signing of C181. A debate ensued regarding whether the Philippines should ratify the convention and the challenges and implications of doing so. Recruitment agency representatives raised concerns of how the ratification would affect current local policies on charging one-month placement fees.

Ms. Hizon said if the convention is ratified, then their collection of placement fees worth one month's salary illegal. On the other hand, Philippine law allows recruiters to collect one-month placement fees.

Mr. Soda responded that legislation will have to be changed if the convention is ratified – this is the harmonization that comes with implementation.

Mr. Cristobal said that if the national government allows the collection of fees, it has to justify it. He said that in adopting the convention, there is a transition period wherein the ILO will assist in technical compliance. He told Ms. Hizon, "If this is ratified, do not be afraid that you cannot collect fees tomorrow. There are deadlines." He also clarified that the collection of the one-month placement fee is not even part of the law, and that it is only an executive order. He warned against reaching a point in which a country will end up being penalized for not complying and ratifying this convention.

Following this exchange, **Mr. Soda** steered the discussion to the list of opportunities. One suggestion brought up was how dialogue private recruitment agencies in destination countries could be facilitated.

Ms. Jennifer de la Rosa advised that one way of looking at the SWOT is to use opportunities to maximize strengths and address the weaknesses using opportunities. This way, action points will be connected to the analysis.

Mr. Cristobal commented that to strengthen weaknesses and to take advantage of opportunities would require a lot of money. In the situation of the service providers, they do not get fees unless the applicant is already deployed to the country of destination. They get paid only a month or three months after the people they have sent abroad begin working. Meanwhile, they finance the recruitment, training, testing and booking, and they are able to do this because foreign employers do not pay unless the workers have already arrived in their country. He said he just wants people to realize this, and why government needs to understand that overseas employment service providers have to do a lot of financing before they get paid. Strengthening one's organization requires money and investment. A service provider has to have financial capability after one year in order to be viable because of the costs involved.

Mr. Shepherd said that there has been so much focus on unethical practices and malpractices in recruitment as compared to the good things that are being done. In his experience, part of the success of recruitment agencies is selling the message of success stories and the critical role of recruitment agencies in economies of sending countries. He stressed the need to look at how the message can be sent and how it can encourage government to listen. He said private employment agencies give much corporate social responsibility by giving people "the gift of work." He said, "We need to take that positive message to government and to share it with other agencies as well."

Mr. Baruah agreed with Mr. Shepherd, and reiterated the point mentioned the previous day about recruiters positioning themselves as partners of development. He suggested that perhaps this notion of recruitment agencies positioning themselves as partners of development conducting ethical practices and providing job creation could come out in the list of action points.

Ms. Vaillancourt said it would also be important to identify other potential allies and networks to support efforts in promoting ethical recruitment and to help address needs for capacity building and building alliances.

The discussion moved on to a reading of the inputs under "Threats," such as labour market competition among sending countries; undermining the rights of migrants; unregistered brokers and agents and monopoly schemes; government placement activities for overseas employment and G-to-G placement.

Mr. Casco said he would like to do a process intervention as he has been observing silence among the delegates. He encouraged them to look at their inputs

from the World Café sessions and to contemplate on what would be needed to carry out action points.

A delegate from the Philippines requested the IOM and the ILO to help sending countries convince receiving governments to agree to a negotiation of terms that will not have to require workers to pay for the airfare. She said that if there could be an international body that would influence these governments to adjust their terms and conditions...perhaps “we can cooperate to come up with a common negotiating stance among the sending countries so that our host governments can adjust their requirements.”

Mr. Baruah responded, emphasizing that participants should not focus on what they want the IOM and the ILO to do, and to think first of all on what they want to advocate. There can be technical assistance from both the IOM and the ILO, but it is not sustainable if they only think in terms of what these two organizations can do.

A delegate commented on the monopoly scheme, saying that it is important to address the issue. He cited GAMCA, which is a big organization in the GCC countries, as an example. Following this, some of the other delegates once again reiterated issues concerning GAMCA and G-to-G placement.

Mr. Soda suggested looking at how G-to-G arrangements arise. In some cases, it is related to public health, particularly health practitioners. In the case of Korea, for instance, this was set up because they did not have confidence in the recruitment process. He said the discussion is going back to the same point of advocating the good work that is being done by recruitment agencies, and to try and bring clarity to the industry especially in the public domain and in destination countries. He said that therefore, this shouldn't be seen as a threat, rather as a driver of the industry to professionalize itself. It is important to work with counterparts in countries of destination and establish trust in private recruitment systems.

Another delegate insisted on the need for a strong intervention from the IOM and the ILO on the GAMCA issue.

Mr. Baruah said that the group is already aware of the point against GAMCA. He suggested informing each other properly about it, in some kind of assessment and documentation. He added that the issue can be raised in the Colombo Process discussions, and that there are already systems to deal with these problems.

Mr. Casco commented that it is surprising the Philippines is still struggling with the GAMCA problem, because there is already a law that prohibits monopoly. He said this is also an issue of enforcement and must be brought to the proper channels. Agreeing with Mr. Baruah, he said this issue has to be taken up in the Colombo Process and in the Abu Dhabi Dialogue.

Due to the limited time left, **Mr. Baruah** said the workshop will now move to the next agenda. He noted that further work is still needed in the 2008 Program of Action, such as long and short-term actions. He suggested that perhaps the secretariat could follow-up on this and circulate the information among national associations.

Organizational Plan for the National Industry and the Regional Alliance

Mr. Baruah introduced the organizational plan for the national industry and the regional alliance, saying that one of the priorities discussed is strengthening national associations and the formation of sub-regional bodies, including at the alliance level. Any action or recommendation plan will be difficult to carry out without an organizational mechanism, such as a secretariat. This is the aim of this part of the workshop, to discuss an organizational plan. Mr. Baruah then called on Mr. Casco to read out the checklist of guide questions and reminders on what national associations can do. The three main questions read out to participants were:

- 1) What steps will you take to organize and/or strengthen your national industry association?
- 2) What steps will you take to establish or re-establish the Alliance of Asian Association of Overseas Employment Service Providers (AAA-OESP)?
- 3) What measures will you take to sustain or nurture the Alliance?

Mr. Casco said under these questions are some possible stems and it is up to the alliance members if these points are relevant, or if there are other recommendations that could be added. A delegate commented that government is important and that national associations should engage with them. Ms. Hizon proposed self-organization instead, then later associations can engage with governments to recognize them.

With no further comments, **Mr. Casco** concluded the activity and presented the third working draft of the Joint Statement in Pursuit of Ethical Recruitment," which had been revised by the writing committee.

THIRD WORKING DRAFT

“Joint Statement in Pursuit of Ethical Recruitment”

Mr. Casco introduced the third working draft of the Joint Statement in Pursuit of Ethical Recruitment as the outcome document of the conference. He explained the general contents of the statement, reading the key points that detail the commitments of members of the alliance who will sign the document. Participants generally agreed with the contents of the draft, though some suggested revisions. Additional comments, inputs or opposition concerning the outcome document are as follows:

- On the second paragraph that mentions “to provide decent work,” Mr. Cristobal said, “We don’t provide the decent work. We obtain the decent work.” For him, providing work is the job of the foreign employer.
- Mr. Casco commented that one striking point in the draft is “cooperation within a competitive environment,” as it acknowledges that competition is good and that cooperation is necessary.
- A participant suggested mentioning initiatives. However, Mr. Baruah said that it would be better if the draft does not make too much mention of any individual institutions or organizations. There are other initiatives as well, like WHO code of practice and so on.
- Ms. Qoiriah raised a question on the possibility of getting other countries to join the alliance. Some participants suggested that this could be taken up in the future.
- Mr. Cristobal said that in the second to the last paragraph, “legitimate” should be removed, since there will not be any attempt of doing something illegitimate anyway. Some participants said it could be phrased as “leading industry representatives” instead.

Mr. Casco said one of the commitments is to establish a Secretariat with a rotating term of office. He then asked the participants to elect a country for this role for the first term. A delegate-participant suggested the Philippine should be the starting country. Ms. Hizon said the Philippine representation accepts this, though she added that she does not have to necessarily be the head. The participants all agreed that the Philippines should be the Secretariat for the first term of office, and that the term of office for rotation is two years. Mr. Casco reminded the selected country to create a website for an online platform where alliance members can share and exchange ideas.

CLOSING CEREMONIES

After the plenary strategic planning workshop, Ms. Catherine Vaillancourt-Laflamme of the ILO began the closing ceremony by first inviting key delegate-representatives to come together for the reading and signing of the “Joint Statement in Pursuit of Ethical Recruitment.” The following representatives were:

- 1. Rahman Habib**
JAICA Association
Afghanistan
- 2. Ali Haider Chowdhury**
Bangladesh Association of International Recruiting Agencies (BAIRA)
Bangladesh
- 3. Suchita Dutta**
Indian Staffing Federation (ISF)
India
- 4. Abdulla Syakir Abdurahman**
Asosiasi Perusahaan Jasa Tenaga Kerja Indonesia
(Indonesian Manpower Services Association, APJATI)
Indonesia
- 5. Subarna Shrestha**
Nepal Association of Foreign Employment Agencies (NAFEA)
Nepal (ex-member)
- 6. Ahmad Ali Siddiqui**
Pakistan Overseas Employment Promoters Association (POEPA)
Pakistan
- 7. Estrelita Hizon**
Governing Private Sector, Representative of the Philippine Overseas
Employment Administration (POEA)
Philippines
- 8. Mohamed Faizer Mackeen**
Association of Licensed Foreign Employment Agencies (ALFEA)
Sri Lanka
- 9. Surachai Wangwattananukul**
Thai Overseas Manpower Association (TOMA)
Thailand

10. Trao Nguyen Luong

Vietnam Association of Manpower Supply (VAMAS)
Vietnam

She then asked Ms. Samida Huda, National Programme Officer of IOM Bangladesh, to read out a conference synthesis and to summarize key discussion points from the sessions and workshops.



Ms. Catherine Vaillancourt-Laflamme, ILO, invites the Delegates to the Signing of the Joint Statement

CONFERENCE SYNTHESIS

Ms. Samiha Huda, *National Programme Officer, IOM Bangladesh*

The 2nd Regional Conference in view of the creation of the Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP) gathered about 75 participants, including 23 delegate-participants, as well as experts, observers, and representatives from private recruitment associations and public recruitment bureaus.

This two-day conference was divided into six sessions, which involved around 16 presentations from different experts and representatives, and some 6 responses from recruitment industry delegates. It also included reactions from the participants.

The discussions covered topics ranging from existing and proposed best and ethical practices of labour recruitment, labour market and industry trends, the challenges faced by recruitment agencies, issues concerning private and government recruitment and placement, and labour migration policies at national and regional levels and international conventions that promote ethical recruitment.

Throughout these discussions, a wide range of recommendations were suggested, such as the following: (a) To find a common definition of ethical recruitment; (b) To view recruiters as partners of development; (c) To better coordinate, organize and unify private recruitment agencies through associations and alliances; (d) To forge BLAs, ratify conventions and engage in bilateral, regional and multilateral cooperation; (e) To develop codes of conduct and set in place complaint, support and monitoring mechanisms; and (f) To disseminate information on best practices and tools of ethical recruitment, and strengthening transparency in recruitment practices.

After presentations from Day 1 until the morning of Day 2, the conference held a breakout session following the World Café Format. Breakout table topics gave participants an opportunity to discuss in groups and contribute to specific collective outputs, particularly practical indicators of ethical recruitment, a SWOT analysis for the recruitment industry, and identified challenges in cultivating an environment that promotes ethical recruitment.

This afternoon, as a final session the conference held a plenary strategic planning workshop, during which participants reviewed and made some adjustments in the 2008 program of action. They found most points relevant and recommended to continue this action program.

This closing session also included a discussion of action program responses to the SWOT output and the creation of an organizational plan for the National Industry and the Regional Alliance.

Following this synthesis is the reading and signing of the Joint Statement in Pursuit of Ethical Recruitment, which details the commitments of the AAA-OESP, reaffirms the 2008 Commitment to Action in Pursuit of Ethical Recruitment. The joint statement also seeks to move the Alliance by establishing its Secretariat, which will begin with Philippines and to create a website as an online platform for accessing, sharing, and exchanging information.

READING AND SIGNING OF THE JOINT STATEMENT IN PURSUIT OF ETHICAL RECRUITMENT



Mr. Nilim Baruah, ILO, Hon. Liberty Casco, POEA and Mr. Marco Boasso, IOM witnessed the Signing of the Joint Statement



Signing the Joint Statement in pursuit of Ethical Recruitment

The conference officially ended with closing remarks from POEA Deputy Administrator and Officer-in-Charge Liberty Casco, followed by a photo session and adjournment.

CLOSING REMARKS



Hon. Liberty Casco

*Deputy Administrator and Officer-in-Charge
Philippine Overseas Employment Administration (POEA)*

Lawrence Jeff Johnson, Director-ILO, Manila; Marco Boasso, IOM Chief of Mission in the Philippines, other officers and experts of IOM, ILO, UN Women, leaders in the recruitment industry of Colombo Process Member States, organizations working in pursuit of ethical recruitment, Ladies and Gentlemen, Good afternoon.

In behalf of the Philippine government, it is both a privilege and a timely opportunity for me to do the closing remarks for this important milestone. I have just returned late last week from an IOM-organized International Dialogue on Migration in Geneva, which devoted an important session on ethical recruitment. The discussions emphasized the need for the private sector, both employers and recruitment agencies, to come together to a common quality and integrity standard with which to abide with and be monitored. The IOM launched the Public Private Alliance for Fair and Ethical Recruitment.

The subject of ethical recruitment is a mission of partnership. Such partnership begins between employers and recruiters on one hand as well as between and among recruitment agencies. The advocacy and pressures for ethical recruitment have come from many directions – workers who need decent jobs, employers who need competent workers, civil society organizations who oversee the plight of the vulnerable, and governments who oversee compliance to regulations.

It is common to hear complaints from the recruitment industry about government regulations. I can assure you that we, in government, desire a quality of life where the business sector embarks on initiatives promoting ethical practices and, presents a track record of professional service, then

rightfully negotiates for selective regulation, deregulation or responsible self-regulation. Governments must then accept the challenge to innovate a reward system to recognize ethical and professional practitioners through more meaningful incentives.

You have heard each other's good practices, aspirations, constructive critical analysis and expressions of commitment. Let this be pervasive among your ranks. You therefore have the obligation to involve your larger membership as soon as you are back home.

The work you did in the last two days to reflect on the vision, mission, core values, to update your collective plan of action which you started in 2008 and to assess your present challenges is an important step to level up the purpose of your business existence. The ILO and IOM have been very generous to provide you valuable knowledge inputs and organizational guidance, thus we hope to see the initiatives of the recruitment industry in the region to nurture your alliance. With the advances in technology, the world has become smaller, with more means to interact beyond an occasional conference.

However, it is our hope that the partnership that ILO and IOM had shown, with the consistent support of the European Union, in leading you through an alliance-building process and provide you a forum to talk and be heard as a sector, will be sustained in the medium term. This will prepare the alliance of Asian association of recruiters as a reliable network of ethical practitioners, enjoying a high level of public trust. This will have significant bearing to matters of pursuit, especially over the welfare of labour migrants, in the Regional Consultative Processes notably the Colombo Process and the Abu Dhabi Dialogue to where you all are a part of. We cannot also discount that alliance-building of Asian Associations of recruitment agencies will be advantageous to regional economic integration such as ASEAN integration.

It has been a pleasure to have you all gather together in this important dialogue and workshop in the Philippines. We all hope that you have widened your windows of cooperation between each other.

We congratulate all the experts and the Secretariat for job well done. We thank the European Union, the ILO and the IOM for making this event possible. I invite you all to take time out as soon as you leave this room and enjoy what there is into what is said, that "It's more fun in the Philippines." Good day.

ANNEX A: CONFERENCE DIRECTORY
LIST OF PARTICIPANTS



2nd Regional Conference in view of the creation of Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP)
Making Breakthroughs in the Implementation of Ethical and Professional Recruitment
 Manila, Philippines
 1-2 April 2014

DIRECTORY

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