

## **Workshop on the Fair Recruitment Initiative**

International Training Centre (ITC), Turin, Italy  
April 23-24, 2014

### **CONCEPT NOTE AND AGENDA**

#### **Background**

In today's globalized economy, the recruitment and employment of workers across global supply chains and international borders is becoming a common practice. While private employment agencies, when properly regulated, play a legitimate role in the efficient and equitable functioning of labour markets, concerns have been raised about the abuse of migrant workers during the recruitment and placement process. Despite the existence of international standards relating to recruitment, national laws and their enforcement often fall short of protecting the rights of migrant workers in particular.

Recent reports have highlighted the growing role of informal intermediaries and unscrupulous private employment agencies operating outside the legal and regulatory framework that prey especially on low-skilled workers. Accompanying abuses involve one or more of the following: deception about the nature and conditions of work; retention of passports; deposits and illegal wage deductions; debt bondage linked to repayment of recruitment fees; threats if workers want to leave their employers, coupled with fears of subsequent expulsion from a country. A combination of these abuses can amount to human trafficking and forced labour.

Human trafficking is a major risk for business, and a serious violation of workers' fundamental rights. There is global consensus that such practices should not be tolerated. The UN Guiding Principles on Business and Human Rights make clear the duty of the State to protect against human rights abuses within its territory, and the responsibility of business to respect those rights. Other international standards provide broader protection of migration workers' rights.

Furthermore, fees paid by migrant workers to recruiters reduce the positive impact of migration on development outcomes. Reducing the costs of labour migration is therefore one of the UN Secretary General's 8 Point Agenda items, as presented at the UN General Assembly High-Level Dialogue on International Migration and Development.

Fair recruitment practices help prevent human trafficking and to enhance development gains of labour mobility. Good governance of the recruitment process requires collaboration between labour administration, other government departments, social partners and concerned stakeholders within and across national borders.

## Rationale and Objective

ILO, in collaboration with partner organisations, plans to launch a global “Fair Recruitment Initiative” with the aim to address regulatory and enforcement gaps, improve mechanisms of complaints and remedy, facilitate social dialogue on these issues and ultimately ensure the implementation of recruitment practices based on international standards. This will be done by working closely with representative workers’ and employers’ organizations, governments, the private sector and other stakeholders. The initiative will also increase global knowledge on what works and what doesn’t with respect to promoting fair recruitment practices.

This is a multi-stakeholder initiative, at this stage supported primarily by the United Kingdom Department for International Development, through the Work in Freedom programme<sup>1</sup> and by the US Department of State through the Office to Monitor and Combat Trafficking in Persons. In the inception phase, the ILO will convene a series of workshops to review existing initiatives and lessons learned, discuss the framework of the fair recruitment initiative and facilitate dialogue on what constitutes “fair recruitment” practices. The first consultation workshop will take place in April bringing together a broad group of experts from governments, employers’ and workers’ organisations, the recruitment industry, civil society, academia and international organisations, including Global Migration Group (GMG) agencies.

The first consultation workshop pursues the following objectives:

1. To review and discuss recent evidence on the nexus between recruitment, labour migration and human trafficking;
2. To discuss the overall framework and objectives of the “Fair Recruitment Initiative”;
3. To discuss benchmarks for Fair Recruitment based on International Standards and the development of policy guidance.

The meeting will be held under the auspices of the Taskforce on Migration and Decent Work of the Global Migration Group (GMG), which is currently chaired by the ILO. The meeting is in line with the recent conclusions of ILO’s Tripartite Technical Meeting on Labour Migration, held in November 2013:

*“In collaboration with constituents and GMG members and other stakeholders, develop guidance to promote recruitment practices that respect the principles enshrined in international labour standards, including the Private Employment Agencies Convention, 1997 (No 181), and identify, document, and promote the exchange of good practices on reducing the financial and human costs of migration”.*

## Proposed participants:

- Governments from selected countries to present effective regulatory approaches
- Trade Unions: International Trade Union Confederation (ITUC) and affiliates
- Industry: International Organization of Employers (IOE) and affiliates; International Confederation of Private Employment Agencies (Ciett) and recruitment agencies/associations from countries of origin and destination. e.g. Indian Staffing Federation (ISF), Bangladesh Association of International Recruitment Agencies (BAIRA), Nepal Association of Foreign

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<sup>1</sup> Work in Freedom Programme is a trafficking prevention programme funded by DFID. It targets women and girls from South Asia who migrate for work in the domestic work and garment sectors.

Employment Agencies (NAFEA), Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL), FSI Worldwide (FSI)

- IOs, including GMG agencies: e.g. ILO, IOM, UNODC, OHCHR, UNHCR, UN Women and others
- NGOs: Institute for Human Rights and Business (IHRB), Ethical Trading Initiative (ETI), Verité
- Donors: UK DFID, Swiss Agency for Development and Cooperation (SDC), US Department of Labor (USDOL), US State Department (J/TIP), Humanity United, Soros Foundation, Mc Arthur Foundation.
- Academia: London School of Hygiene and Tropical Medicine (LSHTM), other academics

### **Methodology:**

The workshop is designed to allow for an open exchange and brainstorming to foster mutual understanding. A workshop report will be prepared outlining key points and outcomes; however, Chatham house rules will apply, and views expressed will not be attributable. Presentations will be short to allow for interactive participation and Q&A sessions. Working Groups are proposed for more in-depth discussions and to develop recommendations for follow-up.

### **The workshop is funded by:**



## Agenda

Day 1	
09:00 – 09:40	<p><b><i>Introduction to the workshop and opening remarks</i></b></p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Patricia O'Donovan, <i>Director</i>, (ITC-ILO)</li> <li>• Corinne Vargha, <i>Chief of Fundamental Principles and Rights at Work</i> (ILO)</li> </ul>
09:40 – 10:30	<p><b><i>Presentation of the Fair Recruitment Initiative: Objectives, strategy, partners, pilot initiatives</i></b></p> <p><b>Speakers:</b> Beate Andrees and Ryszard Cholewinski (ILO)</p> <p><b>Comments:</b> Jeroen Beirnaert (ITUC) and Brent Wilton (IOE)</p> <p><b>Plenary discussion</b></p>
10:30 -11:00	<b>Coffee break</b>
11:00 – 12:45	<p><b><i>Regulatory and multi-stakeholder initiatives:</i></b></p> <p><i>i. United Kingdom: multi-stakeholder engagement leading to stronger regulation and effective enforcement</i></p> <p><b>Speakers:</b> Cindy Berman, (Ethical Trading Initiative) and Darryl Dixon, (Gangmasters Licensing Authority )</p> <p><i>ii. India: ILO Convention 181: Challenges and opportunities in the regulation of Private Employment Agencies</i></p> <p><b>Speakers:</b> I.K. Srivastav, (Indian Ministry of Labour and Employment) and Bharti Birla, (ILO)</p> <p><i>iii. Engaging the private sector: Frameworks for understanding and action</i></p> <p><b>Speakers:</b> Neill Wilkins, (The Institute For Human Rights And Business) and Philip Hunter, (Verité)</p> <p><i>iv. International Recruitment Integrity System (IRIS)</i></p> <p><b>Speakers:</b> Federico Soda and Lara White, (IOM)</p> <p><b>Plenary discussion</b></p>
12 :45 – 13 :00	<p><b>Group Photo</b></p> <p><i>Location : in the park outside of the pavilion</i></p>

13:00 – 14:00	<b>Lunch</b>
14:00 – 15:00	<p><i>i. <b>Reviewing recent evidence about cross-border labour recruitment practices:</b> Presentation of research objectives, country studies and preliminary findings on recruitment practices and regulatory frameworks</i></p> <p><b>Speaker:</b> Katharine Jones, (ILO Consultant)</p> <p><i>ii. <b>Measuring migration and recruitment costs:</b> Presentation on Global Knowledge Partnership on Migration and Development (KNOMAD)</i></p> <p><b>Virtual Speaker:</b> Dilip Ratha, (World Bank)</p> <p><b>Plenary discussion</b></p>
	<b>Coffee break</b>
15:00 – 17:00	<p><b><i>International standards and their use in existing guidance tools</i></b>  <i>ILO Presentation of background paper on benchmarks enshrined in ILO Standards and other relevant instruments</i></p> <p><b>Commentary on ILO Presentation:</b>  <b>ITUC:</b> Dwight Justice  <b>IOE:</b> Ronnie Goldberg  <b>Ciett:</b> Fred vanHaasteren and Denis Pennel</p> <p><b>Plenary discussion</b></p>
19 00	<b>Dinner</b>

## Day 2

09:00 – 09:40	Recap of day 1 and introduction of working groups
09:40 – 10:00	<b>Coffee break</b>
10:00 – 13:00	<p><b><i>Working Groups: What are the next steps?</i></b></p> <p>Working Group 1: <i>Eliminating recruitment fees to workers and reducing the cost of migration</i></p> <p>Working Group 2: <i>Providing fair contractual arrangements for workers</i></p> <p>Working Group 3: <i>Grievance and dispute settlement mechanisms</i></p>
13:00 - 14:00	<b>Lunch</b>
14:00 – 16:30	<b><i>Presentation of Working Group Results</i></b>

	<i>Discussion of next steps and way forward</i>
16:30 – 17:00	<i>Closing session</i> <b>Speaker:</b> Beate Andrees, (ILO)