



# ► Promising practices for fair recruitment

April 2021

## Tunisia – Formation of a new body of inspectors for the recruitment industry

### Key points

- Following incidents of exploitation of migrant workers and a diagnostic of recruitment modalities, a new Recruitment Law was adopted
- Following the adoption of the recruitment law, several private employment agencies have submitted their files to the ministry to regularize their status
- New inspectorate monitors recruitment agencies and has authority to issue dissuasive sanctions
- The law extends the State's authority to deliver sanctions against recruitment agencies, spells out the essential elements that must be clearly mentioned in any employment contract and prohibits the charging of recruitment fees from migrant workers

### Focus

**FRI pillar:** Improving laws, policies and enforcement

**Sectors:** All

**Country:** Tunisia

**Responsible organizations:** Office of Emigration and Foreign Employment (BEMOE), Ministry for Employment and Vocational Training

## Description of the practice

In 2017, the ILO conducted a “Diagnostic on the processes of worker recruitment in Tunisia”. The Diagnostic, which had been prompted by concern for Tunisian workers who had faced recruitment irregularities in the Kingdom of Saudi Arabia (KSA), issued a number of recommendations towards improving labour recruitment processes for Tunisians seeking to work abroad. One of these recommendations called for legislative reform. A tripartite committee was convened by the ILO to consider the reform, and submitted, in 2019, the “Law on the organisation of the exercise of the activities of placement of Tunisians abroad by private agencies” (or Recruitment Law),

which was approved by the Council of Ministers on 8 May 2019. The new law extends the State's authority to deliver sanctions to recruitment agencies that do not comply with defined operational and procedural standards. The Ministry of Labour then approved the formation of a new inspectorate, to monitor and enforce the implementation of the Recruitment Law. A job description was accordingly defined and validated by relevant ministries. With ILO's support, the Ministry of Labour then developed comprehensive guidance and tools to equip the new inspectorate, and a training program to build its capacity.



Stakeholder consultation and training on the formation of a new body of inspectors for the recruitment industry.  
© F. Wertani

## Proof of impact/progress

The following has been achieved since the diagnostic:

- ▶ Strengthened legislation extending the state's authority to regulate the activities of private recruitment agencies. Article 13 of the Recruitment Law clearly mentions that it is forbidden for private recruitment agencies to receive – directly or indirectly – any financial payments from prospective migrant workers; Article 11 of the Law spells out the essential elements that must be clearly mentioned in any employment contract;
- ▶ The creation of an inspectorate specifically dedicated to inspecting private recruitment agencies placing Tunisians abroad with a view to ensuring fair recruitment. Importantly, the new inspection unit has the authority to issue dissuasive sanctions against recruiters who commit irregularities/break the law;
- ▶ The Office of Emigration and Foreign Manpower has become a general directorate and several private employment agencies have submitted their files to the ministry to regularize their status.

## Other promising features

### Novelty/level of innovation

The newly created inspection body is specifically geared towards monitoring private recruitment agencies, and has been given the authority to issue a range of sanctions, which gives it extra-ordinary powers to ensure compliance with the new Recruitment Law and principles of fair recruitment.

### Potential for replication

ILO Nepal is considering dialogue with national stakeholders in view of replicating the Tunisian practice, and other countries may follow suit.

## Resources

Law on the organisation of the exercise of the activities of placement of Tunisians abroad by private agencies (2019).

[Diagnostic sur les processus de recrutement des travailleurs en Tunisie.](#)

[ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs \(GPOG\).](#)

### Five years of the Fair Recruitment Initiative

- ▶ This promising practice is part of a series, and results from a stocktaking exercise undertaken five years after the launch of the Fair Recruitment Initiative (FRI).
- ▶ The FRI aims to ensure that recruitment practices nationally and across borders are grounded in labour standards, developed through social dialogue, ensure gender equality. Specifically, they:
  1. Are transparent and effectively regulated, monitored, and enforced;
  2. Protect all workers' rights, including fundamental principles and rights at work (FPRW), and prevent human trafficking and forced labour; and
  3. Efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

### Contact details

International Labour Organization  
Route des Morillons 4  
CH-1211 Geneva 22  
Switzerland

Conditions of Work and Equality  
Department

E: [fairrecruitmentinitiative@ilo.org](mailto:fairrecruitmentinitiative@ilo.org)