



► Promising practices for fair recruitment

March 2022

Code of Conduct for Ethiopian Overseas Private Employment Agencies

Key points

- Adoption of the Code of Conduct for Ethiopian Overseas Private Employment Agencies in 2021, by the Ethiopian Overseas Employment Agencies Federation (EOEAF) (formed in 2020) – ensuring alignment of industry practices with the new Overseas Employment (Amendment) Proclamation No. 1246/2021.
- A self-assessment tool for PEAs/EOEAF members provides specific and measurable indicators with which overseas PEAs can begin to evaluate their compliance with the legal standards outlined in the Proclamation and other relevant legal instruments.

Focus

FRI pillar: Promoting fair business practices

Country: Ethiopia

Responsible organization(s): The Ministry of Labour and Skills (MoLS); Ethiopian Overseas Employment Agencies Federation (EOEAF)

Labour migration from Ethiopia

Ethiopia has a population of approximately 107 million, with 71 per cent under the age of 30, and two million labour market entrants every year.

Ethiopia is an origin, transit and destination country for mixed migration flows in the Horn of Africa. It is also the second-largest refugee hosting country in Africa, with refugees largely originating from the East Africa region.¹

Many Ethiopian workers migrate to work as domestic workers, cleaners, construction workers or security guards – with common migration corridors being to the Gulf Cooperation Council (GCC) and Arab States, South Africa and Libya.² Access to regular migration opportunities for men and women are unequal – with more opportunities for women to migrate regularly into domestic work in the GCC and Arab States – leaving male migrants to resort more

¹ ILO (2021) Africa regional fair recruitment report: The recruitment of migrant workers to, within and from Africa.

² ILO (2022) Assessment of the capacity and practices of overseas Private Employment Agencies in Ethiopia (forthcoming).

frequently to irregular channels, and skewing official statistics on labour migration.³

Regulation of recruitment in Ethiopia

Having ratified the Private Employment Agencies Convention, 1997 (No. 181) in 1999 and the Employment Service Convention, 1948 (No. 88) in 1963 and given the significant role of private employment agencies (PEAs) in low-skilled migration to the GCC and Arab States in the last century, the Government of Ethiopia has instituted a number of provisions for labour migration governance in recent years. Recent achievements including the introduction of 2016 and 2021 Proclamations (see below) and the conclusion of bilateral labour agreements (BLAs) with a number of key countries of destination – including Jordan, Qatar, UAE and Saudi Arabia.⁴ While Ethiopia has ratified the key employment services and private agencies conventions (C181 and C88), the country is yet to ratify Migration for Employment Convention (Revised), 1949 (No. 97) or the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) – the key labour migration instruments. Furthermore, Ethiopia is in the process of drafting a national migration policy, although recruitment is currently not substantially addressed in the draft.

The Ministry of Labour and Skills (MoLS) (previously known as the Ministry of Labour and Social Affairs) is responsible for regulating labour migration and licensing and supervision of PEAs, as per the key legislative tool – the [Overseas Employment \(Amendment\) Proclamation No. 1246/2021](#),

published in June 2021. National social partners have been engaged in the development of the Proclamation(s) and Operational Directives (see below). The 2021 Proclamation complements the earlier [Ethiopia's Overseas Employment Proclamation No. 923/2016](#), and they are to be read together. The aim of the new Proclamation is to fill gaps left in the 2016 iteration, to bolster the sector following the devastating impacts of COVID-19, and to provide stronger protection for migrant workers' rights. The **Operational Directives** were developed following a multi-ministerial consultative workshop in November 2021. The Directives will include further guidance on working conditions and procedures for conducting inspections, among other elements. An Operational Directive specific to workers in the maritime sector is also being drafted. The Operational Directives – which provide additional guidelines – have been drafted by the MoLS.

The 2021 Proclamation makes substantive changes in three particular areas including: opening up ownership of PEAs to foreign nationals; removing minimum education requirements (for an eighth grade education) for job seekers; allowing recruitment of skilled workers and the charging of fees to this category; and improved monitoring and oversight mechanisms – including the introduction of an Overseas Employment Inspectorate and Overseas Employment Board. Another significant development is that MoLS has been given the authority to assign an “overseas employment inspectorate” to monitor agencies' compliance with the Proclamation (within Ethiopia), rather than reliance on the general and broader labour

³ ILO (2019) Policy Brief: Key findings and recommendations from survey on labour migration from Ethiopia to Gulf Cooperation Council states and Lebanon.

⁴ ILO (2021) Africa regional fair recruitment report: The recruitment of migrant workers to, within and from Africa.

inspectorate.⁵ However it must be noted that the ILO assessment of the capacity and practices of PEAs in Ethiopia conducted in 2020 identified a number of concerns in relation to capacity to monitor compliance.

Regulation of recruitment fees and related costs

Ethiopia has two policies regulating recruitment fees and related costs: (a) a prohibition of fee charging by public employment services for national recruitment, and (b) regulations on fees and related costs to be charged to workers being recruited internationally by private employment agencies.⁶

Article 10 of the Overseas Employment Proclamation No. 923/2016 provides comprehensive definitions of recruitment fees and costs. The Proclamation identifies the “expenses” to be covered by the worker and the costs to be covered by the employer. Article 42(3)(i) on “type of contraventions” (by agencies), states that “receiving fee, in cash or in kind, from a worker in return for overseas employment exchange service” is an infringement of the law that will lead to the revocation of the PRA’s license. The 2016 Proclamation also allows agencies to charge a “skilled worker”⁷ up to one-months’ worth of their salary in exchange for their services (contrary to international standards that workers should not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment).

⁵ ILO (2022) Assessment of the capacity and practices of overseas Private Employment Agencies in Ethiopia (forthcoming).

⁶ ILO (2020) A global comparative study on defining recruitment fees and related costs: Interregional research on law, policy and practice.

⁷ The term “skilled worker” is not defined by the 2016 or 2021 Proclamation. However, the distinction is made between “domestic worker” and “skilled worker”. While the 2016 Proclamation was intended to focus on “low skilled” workers, an objective of the 2021 Proclamation was to expand coverage to a broader range of workers with different skill levels.

Regulations regarding payment of recruitment fees and related costs may also be articulated in bilateral agreements. For example, in the Ethiopia-Saudi Arabia BLA, domestic workers are prohibited from being charged fees for their recruitment.⁸

Process for introduction of the Code of Conduct for Ethiopian Overseas Private Employment Agencies

The Ethiopian Overseas Employment Agencies Federation (EOEAF) was formed in January 2020, bringing together three national PEA associations. The EOEAF consists of 764 PEAs that account for 98 per cent of Ethiopian overseas recruitment.⁹ The EOEAF actively participates in different forums and dialogues aimed to improve regulations and practices of labour migration management. The MoLS has engaged EOEAF in the development of policy documents including the 1246/2021 Ethiopian Overseas Employment (Amendment) Proclamation as well as the Operational Directive for both Proclamations (923/2016 and 1246/2021).

The Code of Conduct (COC) was developed in partnership with MoLS and the ILO through a consultative process. Firstly, a **consultation workshop** was organized with stakeholders including EOEAF agency members MoLS, social partners, and the International Organization for

⁸ Note that the United Nations Network on Migration and the African Union have recently launched new guidance on BLAs. See: The United Nations Network on Migration (2022) [Guidance on Bilateral labour migration agreements](#); ILO (2019) [Tool for the Assessment of Bilateral Labour Migration Agreements Pilot-tested in the African region](#).

⁹ Code of Conduct: For Ethiopian Overseas Private Employment Agencies.

Migration (IOM), to gather further inputs to the draft. Following this workshop, EOFAF also hosted further consultations with EOFAF members to discuss further. The final version was discussed and signed at a validation workshop and in the presence of the Ministry. Once adopted, the COC was translated and disseminated to members. According to the document, “the CoC aims to ensure responsible, fair and ethical recruitment practices and support the Government in improving the labour migration governance in the country. The CoC desire is to encourage professionalism, competence, integrity, accountability and trustworthiness in overseas PEAs while promoting fair recruitment practice in line with the ILO General principles and operational guidelines for fair recruitment.”

Regarding monitoring and evaluation, with the support of the ILO, **a self-assessment tool for PEAs/EOFAF members** was developed following the “Assessment of the capacity and practices of overseas PEAs” study, conducted in 2020.¹⁰ The self-assessment tool covers four areas: policy, people/human resources, procedures, and accountability. Each area is developed to ensure fair recruitment standards are applicable and migrant workers’ rights are being upheld. Furthermore, each dimension of the tool provides specific and measurable indicators with which overseas PEAs can begin to evaluate their compliance with the legal standards outlined in the Proclamation and other relevant legal instruments. The self-assessment further helps to measure progress towards each indicator.

Regarding training and roll out to EOFAF members, in November 2021, ILO in partnership with EOFAF organized workshops for PEAs to create awareness and pilot test the self-assessment tool. In

March 2022, training workshops will be held with EOFAF members to discuss fair recruitment, the revised Proclamation, the Code of Code, and the self-assessment tool.

How are recruitment industry associations and industry standards important and how can they be impactful?

While States bear primary responsibility for regulating and monitoring recruitment, industry initiatives that aim to drive ethical practices can be complementary to efforts of national legislation and law enforcement. These voluntary efforts may take the form of (a) associations of private employment agencies and (b) codes of conduct for private employment agencies.

Associations of PEAs can help to raise standards and ensure the industry is consulted when new standards are being drafted that affect their business. Private employment agency associations can also facilitate exchange of information between their members and government authorities.¹¹ Industry associations have the potential to develop and enforce **voluntary codes of conduct**. Codes of conduct can be put in place by individual companies or by an association. They are not legally binding but should be based on international standards and national law. It is important that they are developed through “tripartite plus” consultation; that they include independent monitoring mechanisms; and that they are communicated publicly. In addition to voluntary codes of conduct, some private employment agencies have favoured more

¹⁰ ILO (2022) Assessment of the capacity and practices of overseas Private Employment Agencies in Ethiopia (forthcoming).

¹¹ ILO (2018) Training Toolkit on Establishing Fair Recruitment Processes – Module 4: Monitoring and enforcement of recruitment regulations.

competitive systems of self-regulation, such as **rating or labelling**.¹²

Key national legislation and regulations

[Code of Conduct: For Ethiopian Overseas Private Employment Agencies](#)

[Overseas Employment Proclamation 923/2016](#)

[Overseas Employment \(Amendment\) Proclamation No. 1246/2021](#)

The 'Better Regional Migration Management' project (September 2021 – May 2022)

BRMM is focused on laying the foundations for improving labour migration governance in East Africa by using evidence-based policies, enhancing migrant workers' qualifications and skills, and actively engaging social partners for improved development outcomes. The project is implemented in Ethiopia, Djibouti, South Sudan, Sudan, Somalia, Kenya, Uganda, Tanzania and Rwanda. The project covers 3 interrelated pillars of intervention: i) Established and strengthened foundations for enhanced labour market and migration information systems (LMMIS); ii) Better skills matching, recognition and development along specific migration corridors; and iii) Strengthened capacities of the social partners to engage in labour migration policy development and implementation. The Project is funded by the UK Foreign, Commonwealth and Development Office.

¹² Ibid.

Resources

ILO (2022) Assessment of the capacity and practices of overseas Private Employment Agencies in Ethiopia (forthcoming)

ILO (2021) [Africa regional fair recruitment report: The recruitment of migrant workers to, within and from Africa](#)

ILO (2021) [Ratification and Implementation of ILO Conventions No. 97 and 143 on Migrant Workers and Conventions No. 189 on Domestic Workers, for Fair and Safe Labour Migration Governance in Ethiopia](#)

ILO (2021) [Promising practices for fair recruitment: Code of Conduct in international supply chains by Responsible Business Alliance](#)

ILO (2021) [Promising practices for fair recruitment: Code of Conduct on the fair recruitment of Filipino migrant domestic workers in Hong Kong \(China\)](#)

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.

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