



Concept Note
Fair Recruitment Initiative Knowledge Hub
Roundtable Discussion: Access to justice for recruitment-related abuses
Thursday 7 July 2022 – 09:30-11:30 (GVA time)

The ILO Fair Recruitment Initiative Knowledge Hub will host a roundtable discussion on “Access to justice for recruitment-related abuses” to share ILO’s latest research findings and explore practical tools and approaches.

Objectives

- Dissemination of research findings from the ILO Working Paper on “Fair recruitment and access to justice for migrant workers”, through a roundtable discussion featuring global experts and practitioners
- Identify key areas of intervention for the Fair Recruitment Initiative to take forward in the field of access to justice (for example, specific tools or working groups to be developed)

Background

For millions of workers around the world, recruitment is the first step towards securing decent work. Recruitment may be facilitated through public employment services or private recruitment agencies and/or include the services of intermediaries and brokers. For migrant workers, as the first stage in the migration process, the conditions of recruitment can set the tone for the migration experiences and development outcomes of the worker.

When appropriately regulated, recruitment services play a vital role in matching qualified jobseekers with available jobs. However, there is also increasing concern about recruitment services that take place outside of the regulatory framework, and which in particular may create vulnerable and exploitative conditions for low-skilled migrant workers. Recruitment-related abuses can involve one or more of the following:

- charging of recruitment fees and related costs to workers;
- deception about the nature and conditions of work;
- retention of passports or travel documents;
- illegal wage deductions;
- debt bondage linked to repayment of recruitment fees and related costs; and
- threats if workers want to leave their employers, coupled with fears of subsequent arrest, expulsion or deportation from the country of employment.

When a worker has experienced exploitation or abuse during recruitment, there must be effective and meaningful recourse to justice.

Ensuring effective access to justice forms critical component of the ILO’s work on labour migration and fair recruitment. The ILO has worked to advance access to justice for migrant workers through a number of activities, including legislative review and analysis, capacity building of duty bearers, and information and awareness-raising among migrant workers, among other areas. Recently, access to justice has been recognized as a “priority area of focus” by the Fair Recruitment Initiative (FRI) Advisory Committee.



Speakers

1. **Equidem Research and Consulting** – to share findings from the ILO Working Paper on “Fair recruitment and access to justice for migrant workers” which provides an overview of the legal framework and current gaps in rights protection throughout the labour migration cycle; and explores examples of good practices that are constructively addressing barriers.

[Equidem](#) is a human rights and labour rights research and consulting firm that provides expertise for business, government and the not-for-profit sector.

2. **Justice without Borders (JWB)** – to share experience in development of a legal strategy guide to support transnational access to justice for migrant domestic workers who have been charged illegal agency fees in the Philippines-Hong Kong (China) corridor.

[Justice Without Borders \(JWB\)](#) is a regional NGO based in Asia that creates transnational access to legal assistance for victims of labour exploitation and human trafficking – with a focus on seeking compensation for workers even after they have returned home. JWB workers across Hong Kong (China), Singapore, Indonesia and the Philippines.

3. **Social Science Baha (SSB) Nepal** – to share research from Nepal, with a focus on decentralization of the grievance mechanism process and the system of “alternative dispute resolution”, as a means to increase access to justice.

[Social Science Baha](#) is an NGO that aims to promote and enhance research in the social sciences in Nepal. SBB, in collaboration with ILO, has published the paper: “Ensuring Access to Legal Support for Migrant Workers for Violations in the Recruitment Process in Nepal: Opportunities and Challenges” (forthcoming)

4. **Member of the Global Business Network on Forced Labour TBC**– to share private sector initiatives to enable access to justice, including remedy through reimbursement of recruitment fees paid. The [Global Business Network on Forced Labour](#) is a membership-based organization that supports business actors to work together to eradicate forced labour.

5. **Trade union/Migrant worker resource centre representative TBC** – to share on the role of trade unions in promoting fair recruitment and securing justice for migrant workers